

**Testimony of the Board of Professional Engineers, Architects, Surveyors, and
Landscape Architects**

**Before the
House Committee on Consumer Protection & Commerce
Tuesday, February 27, 2024
2:00 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
H.B. 1758, RELATING TO PROFESSIONAL ENGINEERS**

Chair Nakashima and Members of the Committee:

My name is Tony Lau, and I am a civil engineering member on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects (Board). The Board opposes this bill.

The purpose of this bill is to clarify that plan review of electrical, plumbing, and building plans is considered lawful experience in engineering work.

The Board opposes this bill because it allows someone with insufficient experience to qualify for a professional engineer license, thereby jeopardizing the health, safety, and welfare of the consumer. A person reviewing plans and calculations may be aware of building codes, but they are not performing integrated design or other standard engineering practices. It is imperative that applicants have the full depth and breadth of experience required, as once licensed, Hawaii Revised Statutes section 464-1 allows professional engineers to provide the full range of engineering services including: “consultation, investigation, evaluation, planning, design, or observation of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the safeguarding of life, health or property is concerned or involved.” Further, Hawaii is a discipline-specific state; professional engineers may only practice within the discipline(s) for which they are licensed – agricultural, chemical, civil, electrical, environmental, fire protection, industrial, mechanical, or structural engineering. An individual whose experience is comprised of 100% plan review in electrical, plumbing, or building plan review is not actually qualified to perform work in most of the engineering disciplines.

While the Board understands concerns about a shortage of engineers, the Board suggests other solutions to this issue be pursued which do not result in adjusting licensure standards in a manner which jeopardizes public safety. The Board currently has a permitted interaction group in the process of researching the appropriateness and ramifications of the actions proposed by this measure. Preliminarily, the group will report its findings to the Board once complete, at which time the findings can also be provided to this Committee. For now, the Board would like to note that most states do not allow “plan review” alone to qualify as meeting the experience requirement for an engineering license.

The Board respectfully requests that this measure be held in Committee to allow it the opportunity to discuss this matter with the counties, professional organizations, and other stakeholders, and complete the research begun by its permitted interaction group.

Thank you for the opportunity to testify on this bill.



HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

530 S. KING ST. STE. 202, HONOLULU, HI 96813

ESTHER KIA'ĀINA
VICE CHAIR
HOPE LUNA HO'OMALU
HONOLULU CITY COUNCIL
DISTRICT III
TELEPHONE: (808) 768-5003
FAX: (808) 768-1223
EMAIL: ekiaaina@honolulu.gov

February 23, 2024

Aloha Chair Nakashima, Vice Chair Sayama, and members of the House Committee on Consumer Protection & Commerce:

I support **HB 1758** – relating to professional engineers. This measure would allow local governments to provide an incentive for engineers to work at county planning departments. As the Chair of the City Council's Committee on Planning and the Economy, one of my priorities is to address the backlog of permits for residential and commercial applications at the City's Department of Planning and Permitting (DPP). While headway has been made on the pre-screen phase, a backlog remains in the code review phase. The role of engineers is an important component to addressing this backlog, and it is important that we do what we can to recruit and retain city engineers.

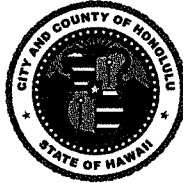
DPP has shared that recruiting and retaining engineers is a challenge for the department, due to competition with private industry and other government agencies that can offer more competitive salaries. Providing a clear career path for local government engineers to receive licensure would provide a valuable incentive for new engineers, and encourage them to work their way up through their respective departments. Government level engineering experience should be considered as appropriate experience because the review and approval of engineering projects is set to a standard of competency that is grounded in relevant codes, ordinances, and laws. Clarifying "lawful experience in engineering work" to include review of electrical, plumbing, and building plans would assist local government planning agencies in retaining qualified engineers, and provide an incentive for engineers to choose a career in public service.

I urge your support of **HB 1758**.

DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEB: honolulu.gov/dpp

RICK BLANGIARDI
MAYOR
MEIA



DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

JIRO A. SUMADA
DEPUTY DIRECTOR
HOPE PO'O

February 27, 2024

The Honorable Mark M. Nakashima, Chair
and Members of the Committee on Consumer Protection
and Commerce
Hawai'i House of Representatives
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Nakashima and Committee Members:

Subject: House Bill No. 1758
Relating to Professional Engineers

The Department of Planning and Permitting (DPP) **strongly supports** House Bill No. 1758, which clarifies that plan review of electrical, plumbing, and building plans is considered lawful experience in engineering work, for purposes of qualification for engineering licensure.

DPP believes that professional level government plan review experience should qualify engineers for licensure because it entails a suitable and comprehensive standard of competency in engineering through the required review and approval of engineering projects under pertinent codes, ordinances and laws. To be clear, this Bill will only allow a government engineer to sit for a licensure exam. This person must still pass the exam to be licensed.

DPP plans examining engineers play a crucial role in safeguarding the health and safety of our community. As local government agencies struggle to compete for engineers with the private sector and federal agencies, it is imperative that we provide a clear career path for advancement of our engineers. For example, DPP requires professional engineer licensure in order to be promoted to a supervisory engineer. A newly graduated engineering student would more likely choose working for the DPP knowing that they could qualify for licensure as they progressed in their experience with the department, rather than be uncertain if they'd qualify or have to leave the public sector for additional or different experience. This Bill would thereby provide greater equity to local government agencies and incentivize engineers to choose a career in public service.

The Honorable Mark M. Nakashima, Chair
and Members of the Committee on Consumer Protection
and Commerce
Hawai'i House of Representatives
House Bill No. 1758
February 27, 2024
Page 2

Opponents of a similar bill last session argued that the measure would have allowed someone with "insufficient experience" to qualify for a professional engineer license, thereby, "jeopardizing the health, safety and welfare of the consumer." The irony is our plan reviewers are tasked with reviewing plans submitted by licensed engineers to ensure the health and safety of the general public, and often find errors in these draft plans. We need to recognize the value of government plan reviewers and provide them with incentives to continue their careers with the City.

For clarity, DPP suggests the following amendment to the last paragraph of Section 1 of the bill:

For purposes of this subsection, "lawful experience in engineering work" includes plan code compliance review of electrical, plumbing, and building plans for construction applicable to the specific engineering field.

Thank you for this opportunity to testify.

Very truly yours,

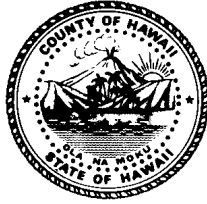
A handwritten signature in black ink, appearing to read 'Dawn', with a long horizontal line extending to the right.

Dawn Takeuchi Apuna
Director

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i
PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

LATE

February 26, 2024

Testimony of
Zendo Kern

Director, County of Hawai'i, Department of Planning
before the

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Tuesday, February 27, 2024

2:00 p.m.

State Capitol, Conference Room 329

In consideration of

HOUSE BILL NO. 1758
RELATING TO PROFESSIONAL ENGINEERS

Chair Nakashima, Vice Chair Sayama, and Members of the House Committee on Consumer Protection & Commerce.

The County of Hawai'i Planning Department **supports** HB 1758 which will clarify that plan review of electrical, plumbing, and building plans, is considered lawful experience in engineering work.

In a 2022 brief by the UH Economic Research Organization, Hawai'i was found to be the most heavily regulated in the nation when it comes to homebuilding and that the average delay in issuing building permits is three times longer than the sample average. Efforts such as HB 1758 will help to streamline services while allowing for departments that are currently very understaffed to be staffed.

Thank you for the opportunity to testify on this measure.

*Expanding the range of opportunities for all by
developing, managing and promoting quality
affordable housing and diverse communities.*



Testimony of EAH Housing | Hawai'i Region
RELATING TO HB1758

February 27, 2024 at 2:00 PM
Written Testimony Only

House Committee on Consumer Protection & Commerce

Chair Mark Nakashima, Vice Chair Jackson Sayama, Members Terez Amato, Della Au Belatti, Cedric Gates, Mark Hashem Natalia Hussey-Burdick, Nicole Lowen, Richard Onishi, Adrian K. Tam, and Elijah Pierick

STRONG SUPPORT

We are delighted to express our enthusiastic support for HB 1758. At EAH Housing, we believe in fostering a supportive environment for professional growth and development.

HB 1758 proposes a positive step forward by explicitly recognizing professional-level government employment as a qualifying experience for licensure as a professional engineer. We appreciate and endorse this approach, as it acknowledges the significant value that government engineering experience brings to the table.

In our view, professional-level government engineering experience is inherently rich in the requisite competency for licensure. The intricate process of reviewing and approving engineering projects under the guidance of applicable codes, ordinances, and laws ensures a thorough understanding and application of engineering principles.

Moreover, we understand the challenges faced by government agencies in recruiting and retaining skilled professionals, especially in roles as critical as engineers. The pay differentials between public and private sectors can be substantial, making it crucial for local governments to establish a clear career path for their engineering professionals.

This bill not only enhances the career prospects of engineering professionals in local government but also serves as a beacon for new graduates from University of Hawaii entering the workforce. The assurance that they can progress in their licensure journey while gaining valuable experience in the public sector makes a career in local government more attractive and accessible.

Thank you for considering our endorsement of this significant initiative.

A handwritten signature in black ink that reads "Karen Seddon".

Karen Seddon
Regional Vice President
EAH Housing

EAH Housing is a non-profit corporation founded with the belief that attractive affordable rental housing is the cornerstone to sustainable, healthy, and livable communities.

1001 Bishop Street, Suite 2880
Honolulu, Hawaii 96813
(808) 466-7774

- February 23, 2024

The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
and Members of the House Committee on Consumer Protection and Commerce

Re: Testimony – HB 1758, Relating to Professional Engineers
Hearing: February 27, 2024 at 2:00 PM
Conference Room 329 & Videoconference

Dear Chair Nakashima, Vice Chair Sayama, and Committee Members:

Stanford Carr Development submits testimony in **support** of House Bill 1758, which proposes to clarify that plan review of electrical, plumbing, and building plans, is considered lawful experience in engineering work.

Hawaii Administrative Rule §16-115-39(a)(1) defines lawful experience to include, “...office training or experience in engineering under the supervision of licensed professional engineers who are in the same branch in which the person seeks licensure.”

A professional engineer as defined in Hawaii Revised Statute §464-1 includes performing work that plan reviewers engage in daily, such as consultation, investigation, and evaluation, specifically consultation with submitting engineers regarding code compliance and safeguarding of life, health, or property through the application of engineering principles and data.

We support the clarifying language of HB 1758 to allow existing City and County of Honolulu (City) Plans Examining Engineers to obtain an engineering license based on the plan review experience qualifying as lawful experience. The clarification will encourage upward mobility within the plans review division, as entry level staff will be able to obtain licensure without leaving the City. Additionally, the retention of institutional knowledge will improve efficiency for the public as well.

Thank you for the opportunity to offer testimony on this measure.

Respectfully,



Stanford S. Carr

Testimony of
Pacific Resource Partnership

House Committee On Consumer Protection & Commerce
Representative Mark M. Nakashima, Chair
Representative Jackson D. Sayama, Vice Chair

HB 1758—Relating To Professional Engineers
Tuesday, February 27, 2024
2:00 P.M.

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Pacific Resource Partnership (PRP) is a nonprofit organization that represents the Hawai'i Regional Council of Carpenters, the largest construction union in the state with approximately 6,000 members, in addition to more than 250 diverse contractors ranging from mom-and-pop owned businesses to national companies.

PRP writes in **support** of HB 1758, which clarifies that plan review of electrical, plumbing, and building plans, is considered lawful experience in engineering work.

We support the clarifying language of HB 1758 to allow existing county plans examining engineers to obtain an engineering license based on the plan review experience qualifying as lawful experience. The clarification will encourage upward mobility within the plans review division, as entry level staff will be able to obtain licensure without leaving the county. Additionally, the retention of institutional knowledge will improve efficiency for the public as well.

As such, we respectfully request your favorable decision on this measure. Thank you for this opportunity to submit written testimony.





February 26, 2024

TO: Honorable Mark Nakashima, Chair
House Committee on Consumer Protection and Commerce

Honorable Jackson Sayama, Vice-Chair
House Committee on Consumer Protection and Commerce

FROM: Reid Mizue, AIA
Vice President / Legislative Advocacy Group
American Institute of Architects, Hawaii State Council

The American Institute of Architects

AIA Hawaii State Council
828 Fort Street Mall, Suite 100
Honolulu, HI 96813

T (808) 628-7243
contact@aiahonolulu.org
aiahonolulu.org/AIAHawaiiStateCouncil

SUBJECT: **House Bill 1758**
Relating to Professional Engineers

Dear Chair Nakashima and Vice-Chair Sayama,

My name is Reid Mizue, President of the American Institute of Architects (AIA) Hawaii State Council, **OPPOSING** HB 1758 that allows building department plan review to be credited as lawful experience toward engineer licensure.

We concur with testimony of DCCA Board of Professional Engineers, Architects, Surveyors and Landscape Architects and testimony of American Council of Engineering Companies Hawaii. Based on past testimony for bills of this type, bill intent is for PERSONAL career advancement and not focused on PUBLIC consumer protection.

Thank you for this opportunity to **OPPOSE** HB 1758.

Sincerely,

A handwritten signature in black ink that reads "Reid T. Mizue".

Reid Mizue, AIA
American Institute of Architects, Hawaii State Council

LATE



**HAWAII STATE HOUSE OF REPRESENTATIVES
COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Conference Room 329 & Videoconference
State Capitol
2:00 PM**

February 27, 2024

Subject: HB 1758 - Relating to Professional Engineers

Chair Nakashima, Vice Chair Sayama, and members of the Committee:

My name is Max Lindsey, Government Relations Committee Chair of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA Hawaii is in **strong support** of HB 1758, which proposes to amend Chapter 464-8 HRS by clarify that plan review of electrical, plumbing, and building plans, is considered "lawful experience in engineering work" to qualify for a professional engineering license.

We understand that this proposed amendment is to assist government agencies in recruiting and retaining engineers who recently graduated from an accredited university with an engineering degree. Under the current interpretation of this section of the statute, the State Board of professional engineers, architects, surveyors, and landscape architects requires that an engineer have a certain number of years of "design" experience in order to be licensed. This interpretation prevents recent engineer graduates, who work for a government agency that does plan review from qualifying for a professional license.

All of the County agencies that conduct building plan reviews for code compliance are experiencing staffing shortages, especially in technical fields such as engineering. This has contributed to the substantial delays in processing building permit applications across the State.

We believe the proposed amendment would assist government plan review agencies from recruiting and retaining professional engineers to improve building permit review processing times across the state.

BIA Hawaii is in **strong support** of HB 1758 and we appreciate the opportunity to provide our comments on this important matter.

HB-1758

Submitted on: 2/23/2024 10:40:22 AM

Testimony for CPC on 2/27/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Franklin Lung	Individual	Support	Written Testimony Only

Comments:

Aloha esteemed members of the House, I would like to submit written testimony as a licensed Professional Engineer in the State of Hawaii, in support of "lawful experience in engineering work" includes plan review of electrical, plumbing, and building plans. I would want to see that these engineers are working towards obtaining licensure - this would show that they have the dedication, commitment and professionalism needed to sit down for a test that will require them to study hard for and will help them obtain knowledge above and beyond what they typically encounter during their normal workday. Having to study for the test is essentially requiring them to commit to countless hours of continuing education.

Writing now as a mentor and supervisor of staff that review building plans, these are folks that have chosen to serve the public. These engineers would otherwise have to leave a job that they are very good at, to start at a new job to obtain the experience needed to sit down for the test. There are a lot of jobs out there which do allow you to obtain the years needed to work under a licensed engineer - I would argue that some of these jobs do not require the level of plan reading and comprehension that the building plans reviewer goes through. They read and review plans every day for conformance and will need to catch errors that some licensed architects or engineers miss. In many cases, the building plans reviewers - as well as the electrical and plumbing plans reviewers know the building codes much better than the architects or engineers that are licensed.

I believe that there are already deterrents to obtaining licensure - the applicant needs to have graduated from an accredited school of engineering, and to have passed the fundamentals of engineering exam, one of harder requirements is to obtain references from four (4) licensed engineers. In my current group there are two engineers that I would gladly write recommendations for, there is one that I would not sign off on. The test itself is probably the hardest deterrent, the website <https://www.studyforfe.com/blog/ncees-pe-exam-pass-rates/> shows the pass rate for civil engineering between 52% and 71% depending on the civil discipline for the first time test takers and between 34% and 46% for repeat takers. I have worked both with other PE candidates that either have not received enough recommendations or have repeated the test many times to a point where they have given up. The PE test is very hard and unforgiving of mistakes.

There are some great candidates that deserve the chance to sit for the test-dedicated and hard working. Their experience allows for them to read and understand designs and calculations. Not all of them will be able to obtain all of the requirements to sit for the PE licensure. I fully support

allowing them the opportunity to use their plan review of electrical, plumbing, and building plans experience as one of the many requirements to sit down and take the PE license test.

Thank you for your time



HB-1758

Submitted on: 2/27/2024 3:52:15 AM

Testimony for CPC on 2/27/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
MATTHEW WONG	Individual	Support	Written Testimony Only

Comments:

Salutations Members of the Committee,

My name is Matthew Wong, and I appreciate the opportunity to provide testimony in support of HB1758.

By clarifying that “lawful experience in engineering work” includes review of construction drawings, it will assist the State & County governments in the hiring & retention of engineers in training (EIT). Majority of the engineering work in the public sector is either regulatory in nature or project management. It is rare to have the opportunity to do design work in the public sector because the majority of that type of work is contracted out to a private consultant.

I was a building official for the City & County of Honolulu for a period of 6 to 7 years. For the purpose of protecting the public & property, my primary duties were to review construction drawings, specifications, & calcs for compliance with Building Code (a body of law primarily dealing with fire safety and structural design). The job often involved rendering decisions & interpretations that require understanding of fire safety and structural design; decisions that if incorrect, could cause harm to the public.

When my applications for an engineering license were rejected, the Hawai‘i Board of Engineers, Architects, Land Surveyors, and Landscape Architects (EASLA) explained that review experience does not count. When I inquired how the review experience of my peers counted towards their required years of legal experience, EASLA refused to clarify.

When I originally interviewed for the Plans Examining Engineer position, I made it clear that my goal was to obtain an engineering entry level position for the purpose of pursuing an engineering license. I used to think I would spend my entire career as a building official. I devoted so much of my time & effort to study and research so that I would be knowledgeable that to this day, I still have people approach me on occasion with Building Code related questions. I even mentored my peer, who was allowed to sit for the professional engineer exam and is now a licensed civil engineer. EASLA’s refusal to acknowledge my review experience as legal experience was a major factor in my decision to quit my job as building official.

I share this personal story of my ongoing depression because I do not wish my experience on anyone. And so that the committee would recognize how important HB1758 for EITs in the public sector.

I ask the Committee to please vote in favor of this bill, and thank the Committee for their time.

Sincerely,

Matthew Wong