NEIL ABERCROMBIE GOVERNOR

> RICHARD C. LIM DIRECTOR

MARY ALICE EVANS DEPUTY DIRECTOR



# DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813 Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804 Web site: www.hawaii.gov/dbedt

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Statement of **RICHARD C. LIM** Director Department of Business, Economic Development, and Tourism before the **HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE** 

Monday, March 17, 2014

2:10 p.m. State Capitol, Conference Room 325

# in consideration of SB 2581, SD2 RELATING TO THE STATE BUILDING CODE.

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee.

The Department of Business, Economic Development, and Tourism offers comments on this bill, which modifies the composition of the Hawaii building code council and funds an executive director's position. We support the intent of this bill, but caution that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

To be more effective, an executive director with appropriate technical credentials in the administrative rule process must oversee and facilitate the work of the Council. Proposed new members of the council include construction industry specialists with expertise on industry practices and the practicality and cost effectiveness of proposed codes.

An expected outcome of the bill's passage would be expedited adoption of the 2012 International Energy Conservation Code. The code provisions should measurably reduce energy use in homes and buildings and move Hawaii closer to its goal of energy independence.

Thank you for the opportunity to provide this testimony.

NEIL ABERCROMBIE GOVERNOR



DEAN H. SEKI COMPTROLLER MARIA E. ZIELINSKI DEPUTY COMPTROLLER

#### STATE OF HAWAI'I DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES P.O. BOX 119, HONOLULU, HAWAI'I 96810-0119

WRITTEN TESTIMONY OF DEAN H. SEKI, COMPTROLLER DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE ON March 17, 2014

S.B. 2581, S.D. 2

# RELATING TO THE STATE BUILDING CODE

Chair McKelvey and members of the Committee, thank you for the opportunity to submit written testimony on S.B. 2581, S.D. 2.

The Department of Accounting and General Services (DAGS) supports the intent of S.B. 2581, S.D. 2, which, among other things, allows the State Building Code Council to stagger the adoption of model building codes and provides for clarifying language. DAGS supports this measure provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

Thank you for the opportunity to submit written testimony on this matter.

JADE BUTAY DEPUTY DIRECTOR

#### STATE OF HAWAII DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS 830 PUNCHBOWL STREET, ROOM 321 HONOLULU, HAWAII 96813 <u>www.hawaii.gov/iabor</u> Phone: (808) 586-8842 / Fax: (808) 586-9099 Email: dlir.director@hawaii.gov

March 14, 2014

The Honorable Angus McKelvey, Chair Committee on Consumer Protection and Commerce House of Representatives State Capitol, Room 320 Honolulu, Hawaii 96813

Dear Chair McKelvey:

Subject: S.B. 2581, S.D. 2 Relating to the State Building Code

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support S.B. 2581, S.D. 2, which proposes to clarify terminology, the code adoption process, and the staggering of code adoptions; modify the composition, quorum, and duties of the Hawaii State Building Code Council (SBCC); ensure laws governing building contractors do not conflict with Chapter 107, Hawaii Revised Statutes (HRS); and provide funding for SBCC staff and operating expenses.

We respectfully request the following revision by deleting paragraph (c) of Section 107-24 on pages 5 and 6, lines 17-21 and 1-3, respectively, and replacing it with:

(b) The council shall appoint a subcommittee [comprised of] comprising the four council members representing county building officials, whose duty shall be to recommend any necessary or desirable state amendments to the [model] codes[-] and standards identified in section 107-25. Any recommended state amendments shall require the unanimous agreement of the subcommittee. The council may designate a staggered schedule for the codes and standards to be adopted, amended, and updated. The frequency of any code or standard adoption shall not exceed six years from the previously adopted code. Any recommended staggering of adoptions shall be The Honorable Angus McKelvey, Chair Page 2 March 14, 2014

# based on a review and evaluation of each code and standard's utility which is identified in Section 107-25 when each edition is published.

This proposed revision seeks to clarify Section 107-24 and is based on the language in H.B. 1633. Since each edition of the codes and standards are revised on a three-year cycle and all are not published in the same year, the intent of this section is to allow the SBCC to stagger the adoption of codes, if appropriate, but not to exceed six years. An appropriate reason may be that code changes from one three-year cycle to the next are minor or nonsubstantive or a particular code encounters stakeholder issues that must be addressed and takes several years to resolve, thereby exceeding the three-year cycle. Section 107-24 (e), proposed paragraph (f) on page 6, lines 11-13, requires the SBCC to review and adopt new model building codes within 18 months of the official publication date. This is the benchmark that the SBCC seeks to meet in keeping with its statutory purpose to review and adopt the latest editions of the national model building codes and standards. The proposed change of "shall" to "may" in the staggering section allows flexibility to the SBCC.

A staggered code adoption process would allow the SBCC to thoroughly review the model codes prior to its adoption and allow flexibility should the SBCC determine that the model code differences between editions are nonsubstantive. Adding that the adopted provisions shall not conflict with Chapter 444, HRS ensures that the focus will be strictly on codes and safety.

The SFC has been a voting member of the SBCC since its inception in 2007. The SBCC is administratively attached to the State Department of Accounting and General Services (DAGS), whose duties include establishing a comprehensive set of current national codes and standards for design and construction. Subsequent to its creation, each county adopted ordinances that required codes and standards for its jurisdiction. Consequently, each county had different editions of the building codes that created challenges for designers and builders.

The SBCC seeks to create a more comprehensive composition of voting members to benefit the integrity of the code adoption process. An executive director and assistant are needed to oversee and facilitate the work of the SBCC to effectuate and maintain the administrative rule-making process with provisions for public input. Funding would be administered through the DAGS to eliminate the impact to their staff and resources.

The SBCC supports adding building industry representatives to provide their expertise on industry practices and the practicality and cost effectiveness of the proposed codes. The addition of a representative from the Department of Business, Economic Development & Tourism would provide expertise on industry development, economic The Honorable Angus McKelvey, Chair Page 3 March 14, 2014

diversification, energy efficiency, and conservation. Eliminating a representative from the Department of Health (DOH) will keep the SBCC membership to a manageable level, although input from the DOH may still be requested.

The SFC and the HFD urge your committee's passage of S.B. 2581, S.D. 2, with the recommended revision to meet its statutory responsibilities in an effective and efficient manner.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

Sincerely,

MANUEL P. NÉVES

Chair

MPN/LR:clc

NEIL ABERCROMBIE GOVERNOR



DWIGHT Y. TAKAMINE DIRECTOR

JADE T. BUTAY DEPUTY DIRECTOR

STATE OF HAWAII DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS 830 PUNCHBOWL STREET, ROOM 321 HONOLULU, HAWAII 96813 http://labor.hawaii.gov

# March 17, 2014

To: The Honorable Angus L.K. McKelvey, Chair, The Honorable Derek S.K. Kawakami, Vice Chair, and Members of the House Committee on Consumer Protection & Commerce

Date: Monday, March 17, 2014

Time: 2:10 p.m.

- Place: Conference Room 325, State Capitol
- From: Dwight Takamine, Director Department of Labor and Industrial Relations (DLIR)

# Re: S.B. No. 2581 SD2 Relating to the State Building Code

# I. <u>COMMENTS ON THE PROPOSED LEGISLATION</u>

SB2581 SD2 proposes to reconfigure the membership of the State Building Code Council (SBCC), modifies the Hawaii State Building Codes, and staggers the adoption of codes among other provisions. A representative (Thaddeus Tomei) from the Elevator Section of the DLIR's Hawaii Occupational Safety & Health Division (HIOSH) sits on the SBCC.

The DLIR supports the housekeeping amendment to 107-22(3), which changes the DLIR representative to one with significant experience in elevator safety and eliminates "or fire safety." This is consistent with the department's expertise, especially as the State Fire Council also has a member serving on the Council, which is administratively attached to the DLIR.

The DLIR defers to other entities on the other specific, substantive portions of the proposal. The department is in the process of updating the Elevator Standards and has actively participated in the deliberations of the Council. The DLIR <u>strongly</u> <u>supports</u> the Council's efforts to serve as a clearinghouse to help affected parties navigate the various state and county codes and agencies.

The construction and related industries are often left in the dark to try to make sense of how the various codes relate to each other. The Council serves an important role

S.B. 2581 February 3, 2014 Page 2

in trying to improve the compatibility and interrelationship of the codes by serving as a forum where there can be a meeting of the minds.

### STATE OF HAWAII DEPARTMENT OF DEFENSE CIVIL DEFENSE DIVISION

# TESTIMONY ON SENATE BILL 2581 SD2 A BILL RELATING TO STATE BUILDING CODE

### PRESENTATION TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

ΒY

# DOUG MAYNE VICE DIRECTOR OF STATE CIVIL DEFENSE March 17, 2014

Chair McKelvey, Vice Chair Kawakami and the Members of the House Committee on Consumer Protection & Commerce.

I am Doug Mayne, the Vice Director of State Civil Defense. I am testifying in **SUPPORT** of Senate Bill 2581 SD2.

Modern building codes are necessary to protect the Hawaii ohana by providing safer places for people during earthquakes, tsunamis and hurricanes.

This bill will strengthen the building code council by:

- Adding members from the State Energy Office, the building industry or general contractors' associations and the subcontractors' association.

- Provide funding so the building code council can continue its work in ensuring Hawaii's building codes support survivability and resilience during disasters. Without this funding, there is no mechanism for the council to update the codes and conduct research and rule making. It is most critical for our future safety and resilience to fund the needs of the council.

Thank you for the opportunity to provide testimony in **SUPPORT** of SB 2581 SD2.



JEFFREY A. MURRAY CHIEF

ROBERT M. SHIMADA DEPUTY CHIEF

#### COUNTY OF MAUI DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD KAHULUI, MAUI, HAWAII 96732 (808) 270-7561 FAX (808) 270-7919 EMAIL: fire.dept@mauicounty.gov

March 14, 2014

The Honorable Angus McKelvey, Chair Committee on Consumer Protection and Commerce House of Representatives State Capitol, Room 320 Honolulu, Hawaii 96813

Dear Chair McKelvey:

Subject: S.B. 2581, S.D. 2 Relating to the State Building Code

I am Jeffrey A. Murray, Member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support S.B. 2581, S.D. 2, which proposes to clarify terminology, the code adoption process, and the staggering of code adoptions; modify the composition, quorum, and duties of the Hawaii State Building Code Council (SBCC); ensure laws governing building contractors do not conflict with Chapter 107, Hawaii Revised Statutes (HRS); and provide funding for SBCC staff and operating expenses.

We respectfully request the following revision by deleting paragraph (c) of Section 107-24 on pages 5 and 6, lines 17-21 and 1-3, respectively, and replacing it with:

(b) The council shall appoint a subcommittee [comprised of] comprising the four council members representing county building officials, whose duty shall be to recommend any necessary or desirable state amendments to the [model] codes[-] and standards identified in section 107-25. Any recommended state amendments shall require the unanimous agreement of the subcommittee. The council may designate a staggered schedule for the codes and standards to be adopted, amended, and updated. The frequency of any code or standard adoption shall not exceed six years from the previously adopted code. Any recommended staggering of adoptions shall be The Honorable Angus McKelvey, Chair Page 2 March 14, 2014

# based on a review and evaluation of each code and standard's utility which is identified in Section 107-25 when each edition is published.

This proposed revision seeks to clarify Section 107-24 and is based on the language in H.B. 1633. Since each edition of the codes and standards are revised on a three-year cycle and all are not published in the same year, the intent of this section is to allow the SBCC to stagger the adoption of codes, if appropriate, but not to exceed six years. An appropriate reason may be that code changes from one three-year cycle to the next are minor or nonsubstantive or a particular code encounters stakeholder issues that must be addressed and takes several years to resolve, thereby exceeding the three-year cycle. Section 107-24 (e), proposed paragraph (f) on page 6, lines 11-13, requires the SBCC to review and adopt new model building codes within 18 months of the official publication date. This is the benchmark that the SBCC seeks to meet in keeping with its statutory purpose to review and adopt the latest editions of the national model building codes and standards. The proposed change of "shall" to "may" in the staggering section allows flexibility to the SBCC.

A staggered code adoption process would allow the SBCC to thoroughly review the model codes prior to its adoption and allow flexibility should the SBCC determine that the model code differences between editions are nonsubstantive. Adding that the adopted provisions shall not conflict with Chapter 444, HRS ensures that the focus will be strictly on codes and safety.

The SFC has been a voting member of the SBCC since its inception in 2007. The SBCC is administratively attached to the State Department of Accounting and General Services (DAGS), whose duties include establishing a comprehensive set of current national codes and standards for design and construction. Subsequent to its creation, each county adopted ordinances that required codes and standards for its jurisdiction. Consequently, each county had different editions of the building codes that created challenges for designers and builders.

The SBCC seeks to create a more comprehensive composition of voting members to benefit the integrity of the code adoption process. An executive director and assistant are needed to oversee and facilitate the work of the SBCC to effectuate and maintain the administrative rule-making process with provisions for public input. Funding would be administered through the DAGS to eliminate the impact to their staff and resources.

The SBCC supports adding building industry representatives to provide their expertise on industry practices and the practicality and cost effectiveness of the proposed codes. The addition of a representative from the Department of Business, Economic Development & Tourism would provide expertise on industry development, economic The Honorable Angus McKelvey, Chair Page 3 March 14, 2014

diversification, energy efficiency, and conservation. Eliminating a representative from the Department of Health (DOH) will keep the SBCC membership to a manageable level, although input from the DOH may still be requested.

The SFC and the HFD urge your committee's passage of S.B. 2581, S.D. 2, with the recommended revision to meet its statutory responsibilities in an effective and efficient manner.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

Sincerely,

And a. R

JEFFREY A. MURRAY Fire Chief

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813 PHONE: (808) 768-8000 • FAX: (808) 768-6041 DEPT. WEB SITE: <u>www.honoluludpp.org</u> • CITY WEB SITE: <u>www.honolulu.gov</u>

KIRK CALDWELL MAYOR



March 17, 2014

GEORGE I. ATTA, FAICP DIRECTOR

ARTHUR D. CHALLACOMBE DEPUTY DIRECTOR

The Honorable Angus L. K. McKelvey, Chair and Members of the Committee on Consumer Protection and Commerce State House of Representatives Hawaii State Capitol 415 South Beretania Street Honolulu, Hawaii 96813

Dear Chair McKelvey and Members:

SUBJECT: Senate Bill No. 2581, SD2 Relating to the State Building Code

The Department of Planning and Permitting (DPP) **supports, with suggested amendments,** Senate Bill No. 2581, SD2, which modifies the composition, quorum, and duties of the Hawaii State Building Code Council, as well as other housekeeping language as appropriate. Most importantly, it appropriates funding to the Department of Accounting and General Services for the State Building Code Council (SBCC) to function in its mandated responsibilities.

The City strongly supports the SBCC's mission to provide for the continued review and adoption of building codes to be used as the standard for building construction in the State of Hawaii, while preserving the home rule rights of the counties. This Council combines the resources of the State and four counties, with members of the industry and the public, to review and update the codes that regulate the building industry.

We respectfully request the following revision by deleting paragraph (c) of Section 107-24 on pages 5 and 6, lines 17-21 and 1-3, and replacing it with:

(b) The council shall appoint a subcommittee [comprised of] comprising the four council members representing county building officials, whose duty shall be to recommend any necessary or desirable state amendments to the [model] codes[-] and standards identified in Section 107-25. Any recommended state amendments shall require the unanimous agreement of the subcommittee. The council may designate a staggered schedule for the codes and standards to be adopted, amended, and updated. The frequency of any code or standard adoption shall not exceed six years from the previously adopted code. Any recommended staggering

The Honorable Angus L. K. McKelvey, Chair and Members of the Committee on Consumer Protection and Commerce State House of Representatives Hawaii State Capitol Re: Senate Bill No. 2581, SD2 March 14, 2013 Page 2

# of adoptions shall be based on a review and evaluation of each code and standard's utility which is identified in Section 107-25 when each edition is published.

This proposed revision seeks to clarify Section 107-24 and is based on the language in House Bill No. 1633. Since each edition of the codes and standards is revised on a three-year cycle and is not published in the same year, the intent of this section is to allow the SBCC to stagger the adoption of codes, if appropriate, but not to exceed six years. The reason for this is some code changes from one three-year cycle to the next are minor or non-substantive, or a particular code encounters stakeholder issues that must be addressed and takes several years to resolve, thereby exceeding the three-year cycle. Section 107-24 (e), proposed paragraph (f) on page 6, lines 11-13, requires the SBCC to review and adopt new model building codes within 18 months of the official publication date. This is the benchmark that the SBCC seeks to meet in keeping with its statutory purpose to review and adopt the latest editions of the national model building codes and standards. The proposed change of "shall" to "may" in the staggering section allows flexibility to the SBCC.

Finally, in 2009 the SBCC adopted a series of State Building Codes, which provided uniformity in the application of codes throughout the State. Because of the lack of funding, there has been no update since this initial rule adoption. Senate Bill No. 2581, SD2, replaces a \$250,000 appropriation that was included in Senate Bill No. 2581, SD1, with an "unspecified sum." We defer to the Legislature to work out the finer details of the appropriation amount.

Thank you for this opportunity to communicate our support of Senate Bill No. 2581, SD2, with the recommended changes.

Very truly yours,

George J. atta

George I. Atta, FAICP Director

GIA:cl SB2581SD2-th March 15, 2014

The Honorable Angus McKelvey, Chair Committee on Consumer Protection and Commerce House of Representatives State Capitol, Room 320 Honolulu, Hawaii 96813

Dear Chair McKelvey:

Subject: S.B. 2581, S.D. 2 Relating to the State Building Code

The State Building Code Council (SBCC) strongly **supports** Senate Bill No. 2581, S.D. 2 which modifies the composition, quorum, and duties of the SBCC, as well as other housekeeping language as appropriate. Most importantly, it appropriates funding to the Department of Accounting and General Services for this council to perform its mandated responsibilities.

We respectfully request the following revision by deleting paragraph (c) of Section 107-24 on pages 5 and 6, lines 17-21 and 1-3, respectively, and replacing it with:

(b) The council shall appoint a subcommittee [comprised of] comprising the four council members representing county building officials, whose duty shall be to recommend any necessary or desirable state amendments to the [model] codes[.] and standards identified in section 107-25. Any recommended state amendments shall require the unanimous agreement of the subcommittee. The council may designate a staggered schedule for the codes and standards to be adopted, amended, and updated. The frequency of any code or standard adoption shall not exceed six years from the previously adopted code. Any recommended staggering of adoptions shall be based on a review and evaluation of each code and standard's utility which is identified in Section 107-25 when each edition is published.

This proposed revision seeks to clarify Section 107-24 and is based on the language in H.B. 1633. Since each edition of the codes and standards are revised on a three-year cycle and all are not published in the same year, the intent of this section is to allow the SBCC to stagger the adoption of codes, if appropriate, but not to exceed six years. An appropriate reason may be that code changes from one three-year cycle to the next are minor or nonsubstantive or a particular code encounters stakeholder issues that must be addressed and takes several years to resolve, thereby exceeding the three-year cycle. Section 107-24 (e), proposed paragraph (f) on page 6, lines 11-13, requires the SBCC to review and adopt new model building codes within 18 months of the official publication date. This is the benchmark that the SBCC seeks to meet in keeping with its statutory purpose to review and adopt the latest editions of the national model building codes and standards. The proposed change of "shall" to "may" in the staggering section allows flexibility to the SBCC.

We respectfully request that funding for the administration of this body be provided in this bill to continue the work so far accomplished but unfulfilled, because of the lack of resources. We the members of the SBCC wish to reiterate that this body has the general

technical expertise to review and establish a suite of codes for which this body selected as the "State Building Code". These codes provide the technical standards for which the built environment is to be regulated and are continuously updated in a three year cycle. Because of this three year cycle, the SBCC process provides for the most up-to-date and progressive standards in the State of Hawaii, providing a direct benefit to the citizens of this State, but cannot function without the resources to perform its mandated task.

Thank you for this opportunity to communicate our strong support of Senate Bill No. 2581 S.D. 2

Very Truly Yours;

Timothy Hiu, Chair State Building Code Council

# SAH - Subcontractors Association of Hawaii 1188 Bishop St., Ste. 1003\*\*Honolulu, Hawaii 96813-2938 Phone: (808) 537-5619 + Fax: (808) 533-2739

March 17, 2014

Testimony To: House Committee on Consumer Protection & Commerce Representative Angus L.K. McKelvey, Chair

Presented By: Tim Lyons President

Subject: S.B. 2581, SD 2 - RELATING TO THE STATE BUILDING CODE

Chair McKelvey and Members of the Committee:

I am Tim Lyons, President of the Subcontractors Association of Hawaii. The SAH represents the following nine separate and distinct subcontracting organizations which include:

HAWAII FLOORING ASSOCIATION ROOFING CONTRACTORS ASSOCIATION OF HAWAII HAWAII WALL AND CEILING INDUSTRIES ASSOCIATION TILE CONTRACTORS PROMOTIONAL PROGRAM PLUMBING AND MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII SHEETMETAL CONTRACTORS ASSOCIATION OF HAWAII PAINTING AND DECORATING CONTRACTORS ASSOCIATION PACIFIC INSULATION CONTRACTORS ASSOCIATION ELECTRICAL CONTRACTORS ASSOCIATION OF HAWAII

We generally support this bill.

The Committee may be aware that a similar bill passed last year but was vetoed by the Governor. We think this bill addresses those concerns and therefore we recommend its passage.

Thank you.



THE VOICE OF THE CONSTRUCTION INDUSTRY

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Mark Hertel Inter-Island Solar Supply, Oahu-Maui-Hawaii-Kauai

Marshall Hickox Homeworks Construction, Inc.

Michael Watanabe JW, Inc.

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Stephen Hanson simplicityHR by ALTRES

# TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE Monday, March 17, 2014 2:10 p.m. State Capitol - Room 325

#### SUBJECT: S.B. 2581 S.D. 2, RELATING TO THE STATE BUILDING CODE

Dear Chair Ige, Vice-Chair Kidani, and members of the Committee:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). BIA-Hawaii is the voice of the construction industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit, professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

**BIA-Hawaii** <u>strongly supports</u> **S.B. 2581 S.D.2**, with the attached proposed amendments. S.B. 2581 S.D. 2 modifies the composition, quorum, and duties of the Hawaii state building code council (SBCC) and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions. Prohibits the state building code council from adopting provisions in the Hawaii state building codes that conflict with laws governing contractors. Appropriates unspecified funds to department of accounting and general services for council's operating costs, including staff salaries.

The proposed amendments seeks to clarify the intent of this section and is based on the language in H.B. 1633. Since each edition of the codes and standards are revised on a three-year cycle and are not all published in the same year, the intent of this section is to allow the SBCC to stagger the adoption of codes, if appropriate, but not to exceed six years. Code changes from one three-year cycle to the next can be minor or non-substantive, or a particular code encounters stakeholder issues that needs to be addressed that take several years to resolve and exceed the three year cycle.

Section 107-24 (e), proposed (f) on page 6 line 11 **requires** the SBCC to review and adopt, as appropriate, **new** model building codes **within eighteen months** of the official publication date. This is the benchmark that the SBCC seeks to meet. The proposed change of "shall" to "may" in the staggering section allows flexibility to the SBCC, if necessary.

Since its creation in 2007, the SBCC has been operating with no funding. The role of the SBCC is significant to the public's health and safety of Hawaii's residents, as well as to provide a forum for all stakeholders to review national codes and discuss and approve those provisions that benefit, and are most appropriate for, Hawaii. Funding is critical for the continuance of the SBCC.

S.B. 2581 S.D.2 also reconfigures the composition of the voting members of the SBCC by adding representatives from the construction industry. According to the International Code Council, most building code councils nationwide include representation from the construction industry. The construction industry offers real guidance on what practically works and what does not, as well as input on the cost of code changes, which can have a tremendous impact on the cost of construction. We believe a cost-benefit analysis should have a place in new codes being adopted.

BIA-Hawaii **strongly supports** S.B. 2581 S.D. 2, with amendments, and urges your favorable approval.

We appreciate the opportunity to share with you our views.

Page 5

# **S.B.** NO. 2581

S.D. 2

# "[{]§107-24[}] Authority and duties of the council.

(a) Any law to the contrary notwithstanding, the council shall establish [a comprehensive] the Hawaii state building [code.] codes.

(b) The council shall appoint a subcommittee [comprised of] comprising the four council members representing county building officials, whose duty shall be to recommend any necessary or desirable state amendments to the [model] codes[-] and standards identified in section 107-25. Any recommended state amendments shall require the unanimous agreement of the subcommittee. The council shall may designate a staggered schedule for the codes and standards to be adopted, amended, and updated. The frequency of the adoption of any code or standard shall not exceed every three six years from the previously adopted code. Any recommended staggering of adoptions shall be based on a review and evaluation of the utility of each code and standard identified in section 107-25 when each edition is published.



# Testimony to the House Committee on Consumer Protection and Commerce Monday, March 17, 2014 at 2:10 P.M. Conference Room 325, State Capitol

# **RE:** SENATE BILL 2581 SD2 RELATING TO THE STATE BUILDING CODE

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **supports** SB 2581 SD2, which modifies the composition, quorum, and duties of the Hawaii state building code council and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions; prohibits the state building code council from adopting provisions in the Hawaii state building codes that conflict with laws governing contractors; and appropriates unspecified funds to department of accounting and general services for council's operation costs, including staff salaries.

The Chamber is the largest business organization in Hawaii, representing over 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The state building code council is crucial for Hawaii's residents and maintaining the public's health. Furthermore, the council allows all stakeholders to review national codes and participate in discussion regarding provisions that would most benefit Hawaii. We believe the amendments provided in SB 2581 SD2 are necessary to clarify the state building code council's role and the proposed funds are crucial for the council to continue functioning.

Thank you for the opportunity to testify.



Testimony of Cindy McMillan The Pacific Resource Partnership

# COMMITTEE ON CONSUMER PROTECTION & COMMERCE Representative Angus L.K. McKelvey, Chair Representative Derek S.K. Kawakami, Vice Chair

Monday, March 17, 2014 2:10 pm State Capitol Room 325

Aloha Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

The Pacific Resource Partnership (PRP) is a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters.

### PRP strongly supports SB 2581, SD2, with amendments proposed by the Building Industry

Association. This bill modifies the composition, quorum, and duties of the Hawaii state building code council (SBCC and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions; prohibits the state building code council from adopting provisions in the Hawaii state building codes that conflict with laws governing contractors, and appropriates unspecified funds to department of accounting and general services for council's operating costs, including staff salaries.

Specifically, PRP supports this bill with proposed amendments because it:

- Allows the construction industry to have a voice on the SBCC, which is consistent with the practices of 25 other states;
- Provides much-needed funding for the SBCC to ensure that it can fulfil its role in maintaining the public health and safety of Hawaii's residents; and
- Allows the SBCC flexibility with respect to the timing of its review and adoption of new model building codes.

For these reasons, we **strongly support** SB 2581. Thank you for the opportunity to share our comments on this important issue with you.



HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST

1617 Palama Street · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300 · URL: hilecet.org

# TESTIMONY OF HAWAII LECET PETER H. M. LEE

HOUSE OF REPRESENTATIVES THE TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2014

### COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair Rep. Derek S.K. Kawakami, Vice Chair

Rep. Della Au Belatti Rep. Tom Brower Rep. Romy M. Cachola Rep. Richard Creagan Rep. Cindy Evans Rep. Sharon E. Har Rep. Ken Ito Rep. Chris Lee Rep. Mark M. Nakashima Rep. Marcus R. Oshiro Rep. Clift Tsuji Rep. Ryan I. Yamane Rep. Bob McDermott Rep. Cynthia Thielen

#### NOTICE OF HEARING

DATE: Monday, March 17, 2014 TIME: 2:10 PM PLACE: Conference Room 325 State Capitol 415 South Beretania Street

### TESTIMONY ON SENATE BILL NO. 2581 SD2 - RELATING TO THE STATE BUILDING CODE.

TO THE HONORABLE ANGUS MCKELVEY, CHAIR; DEREK KAWAKAMI, VICE CHAIR; AND MEMBERS OF THE COMMITTEE:

My name is Peter H. M. Lee, and I am the Construction Compliance Officer of Hawaii Laborer-Employers Cooperation and Education Trust (LECET). Hawaii LECET is a labor-management partnership between the Hawaii Laborers Union, Local 368, and its unionized contractors.

Mahalo for the opportunity to testify in **STRONG SUPPORT** of Senate Bill No. 2581 SD2, which modifies the composition, quorum, and duties of the Hawaii state building code council and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions; prohibits the state building code council from adopting provisions in the Hawaii state building codes that conflict with laws governing contractors; and appropriates unspecified funds to department of accounting and general services for council's operating costs, including staff salaries.

The State Building Code Council (SBCC) was created by the Legislature in 2007 to review and adopt comprehensive suites of national building codes and standards for the State of Hawaii. This unfunded group has been meeting monthly but its effectiveness has been hampered without a dedicated staff to create of Admin Rules. In addition, the current makeup of the council does not include any stakeholders from the construction industry...this measure will fix this oversight.

For these reasons, Hawaii LECET is in **<u>STRONG SUPPORT</u>** of Senate Bill No. 2581 SD2.



PETER A. GANABAN Business Manager Secretary-Treasurer

ALFONSO OLIVER President

JOBY NORTH II Vice President

**TONI FIGUEROA** Recording Secretary

THOMAS CATHCART Executive Board

JAMES DRUMGOLD JR. Executive Board

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MARK MAGUSARA Auditor

MARK TRAVALINO Auditor

JOSEPH YAW Auditor

LEUMA L. LEATUMAUGA Sergeant-At-Arms



LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

March 15, 2014

RE:

TIME:

Honorable Angus McKelvey, Chair Honorable Derek Kawakami, Vice Chair Members of the House Committee on Consumer Protection and Commerce

SB2581 SD2 Relating to the State Building Code DATE: March 17, 2014 2:10 pm PLACE: Room 325 **POSITION:** Support

On behalf of Mr. Peter Ganaban, Business Manager, Secretary/Treasurer of the Hawaii Laborers' Union we strongly support SB2581, SD2.

In terms of the Hawaii construction industry, and the adopting of construction and installation codes for the public health and safety, this bill is a priority piece of legislation. If passed into law, there will finally be a fully operational agency with proper staffing and resources to carry out its function under HRS, Chapter 107.

Since the creation of the State Building Code Council in 2007, public works engineers from each county, the state and other representatives have performed on a voluntary basis because of the importance of reviewing new national codes and adopting certain ones that apply to Hawaii. We believe that the inclusion of members from the State Energy Office and the construction trade will provide additional technical review services for the entire State Building Code Council.

We ask for your support of this bill.

Thank you for the opportunity to submit this testimony.

Sincerely,

Al Judizabel

Al Lardizabal Government Relations

# AMERICAN INSTITUTE OF ARCHITECTS

CPC 2:10 pm

March 17, 2014

Honorable Angus McKelvey, Chair House Committee on Consumer Protection & Commerce

# Re: Senate Bill 2581 SD2 Relating to the State Building Code

Dear Chair McKelvey and Members of the Committee,

My name is Daniel Chun, President of the American Institute of Architects (AIA) testifying in **STRONG SUPPORT** of SB 2581 SD2.

# AIA supports the language revision proposed by the State Fire Council submitted to this March 17, 2014 CPC hearing

AIA helped draft the original statute. AIA is an active voting member of the Council. Architects are strongly connected to the process of reviewing and updating Hawaii's building codes.

# Volunteers cannot fulfill all the legislative mandate of the State Building Code Council

AIA was one of the original supporters of the State Building Code Council (SBCC). Architects continue to offer significant volunteer efforts to update Hawaii's building codes. Other design professional societies and construction industry trade groups also volunteer needed time and expertise. The four counties volunteer the services of their building chiefs. However, the SBCC cannot fulfill its legislative mandate without staffing services to coordinate volunteer efforts and manage the Hawaii administrative rule making process.

Funding the SBCC will also help Hawaii small business productivity by promoting more uniform building codes. All of the state's construction-oriented businesses are essentially small businesses with no "dominant player." Thus we must rely upon combined efforts coordinated by the State Building Code Council to research and develop improved building technology.

Regular updating of building codes is important toward ensuring the availability and reasonable cost of property insurance for all consumers. Thank you for this opportunity to **STRONGLY SUPPORT** SB 2581 SD2.



March 14, 2014

То:	The Honorable Angus L.K. McKelvey, Chair
	Members, House Consumer Protection and Commerce Committee

From: Tim Shestek Senior Director, State Affairs

# RE: SB 2581 SD2 – COMMENTS

The American Chemistry Council (ACC) appreciates the opportunity to offer comments on SB 2581 SD2, legislation that will provide funding for the administration of the Hawaii State Building Code Council (SBCC) and allow for a six year period between adoption, amendments and updates to the state building code.

The SBCC was created in 2007 to establish a state building code which would eliminate the fragmented building requirements that exist between the counties. The goal was to provide consistent standards by establishing a comprehensive set of current national codes. Since its inception, the SBCC has been operating without any funding and consequently does not have the staffing to oversee the volunteer efforts of the council or manage the administrative rule making process leaving the council unable to fulfill its intended duties.

It is our understanding that passage of this legislation will provide funding for an executive director to oversee the work of the SBCC. This additional funding can hopefully help advance the adoption of updated building codes such as the 2012 International Energy Conservation Code (IECC), something which ACC certainly supports. Energy savings resulting from the up-front investment in energy efficient technology benefits the homebuyer monetarily from the moment they move into their home. Homeowners promptly recoup their investment as the realized savings on their energy bills quickly offsets any additional construction costs related to the installation of energy efficient products.

We do have concerns with provisions in the bill that provide for a six year code adoption cycle with no specific requirement for the state to consider or adopt the latest editions of the I-codes. This would create a significant lag time between building code updates. Today, most states update their building codes every three years to ensure that the most up-to-date safety practices, innovations in energy efficiency and other practical advances in construction are built into homes, offices, schools and government buildings.

ACC supports recent amendments to the companion bill for this measure (HB 1633 HD1) to require that code updates be done every three years. We would encourage you to adopt the approach as contained in HB 1633 HD 1.

A new home is likely the biggest financial investment for families. Studies show that families can save thousands in energy costs during the years they live in an energy-efficient home, while safety improvements can reduce homeowners' insurance premiums. According to a report by the U.S. Department of Energy, adopting the 2012 energy code would save homeowners in Hawaii 16.8 percent on their energy bills every year, which translates into \$541 in average annual energy savings. The report also found that moving from the 2009 to the 2012 IECC would result in \$8,860 in net savings (including both the costs of the improvements and the resulting energy savings) for Hawaii homeowners on average, over the first 30 years of the building's useful life<sup>1</sup>.

<sup>&</sup>lt;sup>1</sup> See U.S. Department of Energy, *Hawaii Energy and Cost Savings for New Single- and Multifamily Homes* (September 2012) available at <a href="http://www.energycodes.gov/sites/default/files/documents/HawaiiResidentialCostEffectiveness.pdf">http://www.energycodes.gov/sites/default/files/documents/HawaiiResidentialCostEffectiveness.pdf</a>

Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me at 916-448-2581 or ACC's Hawaii based representatives Red Morris and/or John Radcliffe at 808-531-4551.



Representative Angus Mc Kelvey, Chairman and Committee Members House Committee on Consumer Protection & Commerce

RE: ICC supports passage of SB 2581 SD2 with following comments

Dear Chairman and Committee Members:

The International Code Council is a 50,000 member, non-profit public benefit corporation dedicated to helping the building safety community and construction industry provide safe, sustainable, energy-efficient and affordable construction through the development of codes and standards used in the design, build and compliance process by state and local governments including the State of Hawaii and its Counties.

ICC supports the continuance of the Hawaii State Building Code Council (HI SBCC) and in a coordinated request consistent with supporting the HI SBCC; we too, respectfully request the following revision by deleting paragraph (c) of Section 107-24 on pages 5 and 6, lines 17-21 and 1-3, respectively, and replacing it with:

(b) The council shall appoint a subcommittee [comprised of] comprising the four council members representing county building officials, whose duty shall be to recommend any necessary or desirable state amendments to the [model] codes[-] and standards identified in section 107-25. Any recommended state amendments shall require the unanimous agreement of the subcommittee. The council may designate a staggered schedule for the codes and standards to be adopted, amended, and updated. The frequency of any code or standard adoption shall not exceed six years from the previously adopted code. Any recommended staggering of adoptions shall be based on a review and evaluation of each code and standard's utility which is identified in Section 107-25 when each edition is published.

Making the requested changes to SB 2581 SD 2 will make it consistent with HB 1644 HD 1 which passed out of your committee and the House chamber earlier this legislative session. An adequately funded SBCC will allow the good work of the SBCC and the participating stakeholders to continue to the benefit of the State, its counties and citizens.

Thank you for your consideration of these comments.

Sincerely,

Kraig Stevenson, CBO ICC Government Relations kstevenson@iccsafe.org 562-201-9209





A'ohe hana nui ka alu'ia "No Task Is Too Big When Done Together By All"

#### HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

735 Bishop Street, Suite 412 \* Honolulu, Hawaii 96813 (808) 524-2249 - FAX (808) 524-6893

March 15, 2014

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Roofers, Waterproofers & Allied Workers United Union of Roofer Local 221 Honorable Representative Angus McKelvey, Chair Honorable Representative Derek Kawakami, Vice Chair Members of the Committee on Consumer Protection and Commerce Hawaii State Capitol 415 South Beretania Street Honolulu, HI 96813

RE: SB2581 SD2 RELATING THE STATE BUILDING CODE Hearing: Monday, March 17, 2014, 2:10 p.m. Conference Room 325

Honorable Chair, Vice Chair and Committee Members;

The Hawaii Building & Construction Trades Council, AFL-CIO (HBCTC) is a chartered member of the Building and Construction Trades Department, AFL-CIO first organized in 1908 and comprised of 14 out of 15 construction trade unions with 386 state, local and provincial councils in the United States and Canada and an estimated 15,000 members locally. Our primary mission is to provide employment opportunities and living wages for many of Hawaii's working men and women in the construction industry.

The Council Supports SB2581, SD2. As proposed, SB2581, SD2 modifies the composition, quorum, and duties of the Hawaii State Building Code Council (SBCC) and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions as well as prohibits the state building code council from adopting provisions in the Hawaii state building codes that conflict with laws governing contractors and appropriates unspecified funds to the department of accounting and general services for the council's operating costs, including staff salaries.

The SBCC, formed in 2007 (Act 82, SLH), is administratively attached to the Department of Accounting and General Services, who's purpose is to establish a state building code which would eliminate the fragmented building requirements which currently exist between counties. However, the staff and operating expenses of the council have never been funded, thereby limiting its effectiveness.

Pursuant to Act 82, SLH (2007), the SBCC submitted its required annual report to the legislature in December of 2013. In its annual report, the SBCC indicated that a bill had been submitted to the 2014 legislature to address five key areas;

- Adding three new members to the Council: one from the Department of Business, Economic Development and Tourism Hawaii State Energy Office and two representing the construction industry;
- Removing one existing member of the Council representing the Department of Health;
- Allowing the Council discretion to stagger the adoption of codes, not to exceed six years;

# Page 2, SB2581, SD2- CPC 03/17/14

- Adding the International Residential Code, International Energy Conservation Code, and National Electrical Code as part of the State Building Code; and
- 5) Providing funding for an Executive Director and staff.

HBCTC understands and supports the above initiatives as set forth by the SBCC in addition to operating funds and further amendments to chapter 107 HRS that we understand will be proposed to ensure that updated building codes will be adopted no later than every six years with staggered flexibility.

Thank you for the opportunity to provide testimony in support of SB2581, SD2.



HAWAH OPERATING ENGINEERS INDUSTRY STABILIZATION FUND



Affiliated AFL-CIO OPEIU - S - AFL-CIO (3)

March 15, 2014

Honorable Angus L.K. McKelvey, Chair Committee on Consumer Protection & Commerce Hawaii State Capitol 415 South Beretania Street, Room 320 Honolulu, HI 96813

Dear Chair McKelvey:

RE: Comments on Senate Bill 2581, SD2 - Relating to the State Building Code

My name is Kimberly Ribellia, Government Liaison, of the Hawaii Operating Engineers Industry Stabilization Fund (HOEISF), a labor management fund representing 4000 unionized members in heavy engineering site work and 500 general contractors specializing in heavy site and vertical construction.

HOEISF supports SB 2581, SD2 which modifies the composition, quorum, and duties of the Hawaii state building code council and revises the state building code, include clarifying terminology, the code adoption process, and the staggering of code adoptions. Prohibits the state building code council from adopting provisions in the Hawaii state building codes that conflict with laws governing contractors. Appropriate funds to the Department of Accounting and General Services for the council's operating costs, including staff salaries.

HOEISF supports the change in the composition of the building code council to include a representative of the Building Industry Association of Hawaii or the General Contractors Association of Hawaii to provide technical expertise on proposed changes to the State building code.

HOEISF would like to thank the committee for the opportunity to provide testimony in support of Senate Bill 2581, SD2.

Sincerely,

Kombuly Bebellia

Kimberly Ribellia Government Liaison HOEISF

1065 Ahua Street Honolulu, HI 96819 Phone: 808-833-1681 FAX: 839-4167 Email: <u>info@gcahawaii.org</u> Website: <u>www.gcahawaii.org</u>





Uploaded via Capitol Website

March 17, 2014

# TO: HONORABLE ANGUS MCKELVEY, CHAIR, HONORABLE DEREK KAWAKAMI, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SUBJECT: SUPPORT OF S.B. 2581, SD2 RELATING TO THE STATE BUILDING CODE. Modifies the composition, quorum, and duties of the Hawaii state building code council and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions. Prohibits the state building code council from adopting provisions in the Hawaii state building codes that conflict with laws governing contractors. Appropriates unspecified funds to department of accounting and general services for council's operating costs, including staff salaries. Effective 07/01/2050. (SD2)

Hearing

DATE: Monday, March 17, 2014 TIME: 2:10 p.m. PLACE: Capitol Room 325

Dear Chair McKelvey, Vice Chair Kawakami and Members of the Committee,

The General Contractors Association of Hawaii (GCA) is an organization comprised of approximately six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The GCA's mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

GCA is in <u>support</u> of S.B. 2581, SD2, Relating to the State Building Code, which proposes, among other things, to modify the composition, quorum and duties of the Code Council, clarifies the code adoption process and ensures there are no conflicts with Chapter 444, HRS. Particularly, the measure proposes to amend the membership of the Hawaii State Building Code Council (SBCC) to increase the representation of members of the construction industry and also proposes an appropriation to assist with the administration of the SBCC.

In 2007, the Senate Ways and Means committee recognized the importance of the formation of the State Building Code Council when it said,

[t]he adoption of a uniform set of statewide building codes applicable to one and two family dwellings, all other residential uses, commercial and industrial buildings, and state buildings would make it possible for building owners, designers, contractors, and code enforcers within the State to apply a consistent standard. The health and safety considerations related to the codes are of statewide interest, especially relating to emergency disaster preparedness. Hawaii State Legislature. S. Comm. Rpt. 784, March 2, 2007.

Last session the Senate Committees on Public Safety, Intergovernmental and Military Affairs and Ways and Means recognized the importance of the construction industry's involvement in the State Building Code Council in the Standing Committee Report of H.B. 763, H.D. 1, S.D. 1 (2013) when it said,

> [y]our committees find that representatives from the construction industry should be included on the Council because they will provide valuable input regarding the impacts of code changes on construction projects, costs, and whether materials to meet the new requirements are available in Hawaii. Hawaii State Legislature. S. Comm. Rpt. 1311, April 5, 2013.

The GCA believes that by involving the building industry technical experts on the SBCC, it will expedite the implementation of the codes once they are approved because the people who actually have to construct with the new codes would have been involved in the entire adoption process and are able to bring up any constructability issues from the start. Thus, by adding the builders onto the council, these constructability issues can be addressed while the codes are still being discussed. GCA members have been actively participating on the State Building Code Council and recognize its importance in bringing private industry and government entities together to discuss uniform building codes and regulations, especially if any conflicts may arise.

GCA remains willing to participate on the Hawaii State Building Code Council and requests a viable appropriation be highly considered in this measure.

Thank you for this opportunity to support this measure.