

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 763
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Public Safety, Intergovernmental and Military Affairs and Ways and Means, to which was referred H.B. No. 763, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE,"

beg leave to report as follows:

The purpose and intent of this measure is to streamline processes associated with the State Building Code Council by:

- (1) Amending the membership of the State Building Code Council to include a member of the Department of Business, Economic Development, and Tourism and representatives of the construction industry and to remove the Comptroller;
- (2) Amending the Council's procedures for determining amendments to the State Building Code through the adoption of various codes and standards;
- (3) Removing the authority of the Council to appoint a subcommittee of members representing county building officials to recommend amendments to model codes and standards;
- (4) Requiring the Council to disseminate, at least every two years, an itemized report of substantially uniform code amendments adopted by at least three counties; and



- (5) Making revisions to the State Building Code and its implementation.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Labor and Industrial Relations; Plumbing and Mechanical Contractors Association of Hawaii; American Institute of Architects; Building Industry Association of Hawaii; General Contractors Association of Hawaii; Structural Engineers Association of Hawaii; Architectural Diagnostics Ltd.; and The Pacific Resource Partnership. Your Committees received testimony in opposition to this measure from the American Chemistry Council. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that the current composition of the State Building Code Council includes the Comptroller, four county building officials and representatives from the State Fire Council, Department of Health, Department of Labor and Industrial Relations, American Institute of Architects, and Structural Engineers Association of Hawaii. Your 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 practice, costs, and whether materials to meet the new requirements are available in Hawaii.

Your Committees have amended this measure by:

- (1) Reinstating the Comptroller or the Comptroller's designee as the nonvoting member on the State Building Code Council;
- (2) Removing representatives from the Department of Health and Hawaii Construction Alliance as members of the Council;
- (3) Permitting one individual from either the Building Industry Association of Hawaii or the General Contractors Association of Hawaii to sit on the Council, rather than one individual from each association;
- (4) Requiring any Council members representing the Building Industry Association of Hawaii, General Contractors



Association of Hawaii, and Subcontractors Association of Hawaii to have significant experience with building codes;

- (5) Raising the Council's quorum to seven voting members, rather than six voting members;
- (6) Reinstating the authority of the Council to appoint the subcommittee of county building officials, whose unanimous agreement is required for any recommended state amendments;
- (7) Requiring any recommended staggering of code and standard adoptions to be based on a review and evaluation of the utility of each model code identified in section 107-25, Hawaii Revised Statutes, when each edition is published;
- (8) Requiring compliance with the State Building Code for the design of all state building construction within one year of the adoption of substantially uniform code amendments by at least three counties, rather than within one year of the effective date of administrative rules;
- (9) Reinstating the compliance exemptions for county codes that have not adopted the State Building Code, county code amendments that are contrary to code amendments adopted by another county, and county codes allowing the exercise of indigenous Hawaiian architecture adopted in accordance with section 46-1.55, Hawaii Revised Statutes;
- (10) Inserting language authorizing the Hawaii hurricane relief fund to provide funding for the State Building Code Council for activities that are a part of a loss reduction plan that complies with the development of loss mitigation standards in accordance with section 431P-12, Hawaii Revised Statutes;
- (11) Inserting an appropriation to support the State Building Code Council's efforts to adopt a uniform set of statewide building codes and consistent standards;



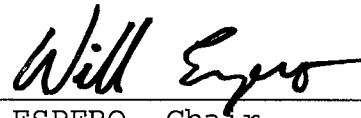
- (12) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental and Military Affairs and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 763, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 763, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Public Safety, Intergovernmental and Military Affairs and Ways and Means,



DAVID Y. IGE, Chair

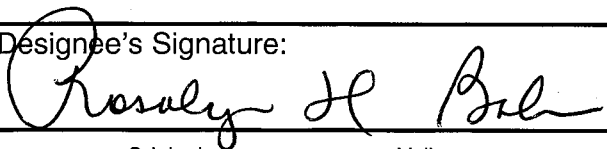


WILL ESPERO, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* HB 763, HD1	Committee Referral: PSM/WAM	Date: 4-1-2013		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, Josh				✓
SLOM, Sam	✓			
TOTAL	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB763, HD1	Committee Referral: PSM/WAM	Date: 4-1-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓ <i>HTM</i>			✓
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
TOTAL	11			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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