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## A BILL FOR AN ACT

RELATING TO THE STATE BUILDING CODE COUNCIL.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the state building  
2 code council was established by Act 82, Session Laws of Hawaii  
3 2007, to adopt a uniform set of statewide building codes to  
4 apply consistent standards across Hawaii. The International  
5 Building Code is currently being considered for adoption by all  
6 of the counties. The legislature further finds that health and  
7 safety considerations related to the state building codes are  
8 matters of statewide concern.

9           The legislature also finds that the state building code  
10 council has struggled with limited funding and insufficient  
11 staff since its creation. With a majority of members of the  
12 state building code council composed of government officials,  
13 proposals raised by the private sector, especially those that do  
14 not pertain to public health or safety, are often adopted with  
15 little or no consideration for any resulting increase to the  
16 overall cost of construction in Hawaii.



1           Although the state building code council plays a role in  
2 the adoption of the state building codes, adoption of the codes  
3 ultimately rests with each individual county. The legislature  
4 finds that this two-step process results in delays to the  
5 adoption of building codes and increases to the cost of  
6 construction in Hawaii. Therefore, the purpose of this Act is  
7 to repeal the state building code council.

8           SECTION 2. Section 107-21, Hawaii Revised Statutes, is  
9 amended as follows:

10           1. By amending the definition of "Hawaii state building  
11 codes" to read:

12           "Hawaii state building codes" means the building codes and  
13 standards [~~that the state building code council adopts under~~  
14 ~~section 107-24.~~] contained in this part."

15           2. By deleting the definition of "council".

16           [~~"Council" means the state building code council.~~]

17           SECTION 3. Section 107-27, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19           "(a) [~~No later than one year after the adoption of codes~~  
20 ~~or standards pursuant to section 107-24(e), the]~~ The design of  
21 all state building construction shall be in compliance with the



1 Hawaii state building codes, except state building construction  
2 shall be allowed to be exempted from:

3 (1) County codes that have not adopted the Hawaii state  
4 building codes;

5 (2) Any county code amendments that are inconsistent with  
6 the minimum performance objectives of the Hawaii state  
7 building codes or the objectives enumerated in this  
8 part; or

9 (3) Any county code amendments that are contrary to code  
10 amendments adopted by another county."

11 SECTION 4. Section 107-28, Hawaii Revised Statutes, is  
12 amended by amending its title and subsection (a) to read as  
13 follows:

14 "§107-28 County authority to amend and adopt the Hawaii  
15 state building codes [~~without council approval~~]. (a) The  
16 governing body of each county shall amend, adopt, and update the  
17 Hawaii state building codes as they apply within their  
18 respective jurisdiction, in accordance with section 46-1.5(13) [~~7~~  
19 ~~without approval of the council~~]. Each county shall amend and  
20 adopt the Hawaii state building codes and standards listed in  
21 section 107-25, as the referenced Hawaii state building codes



1 and standards for its respective county building code ordinance,  
2 no later than two years after the adoption of the Hawaii state  
3 building codes."

4 SECTION 5. Section 107-22, Hawaii Revised Statutes, is  
5 repealed.

6 [~~"§107-22 State building code council. (a) There is~~  
7 ~~established a state building code council. The council shall be~~  
8 ~~placed within the department of accounting and general services~~  
9 ~~for administrative purposes only. The council shall consist of~~  
10 ~~eleven voting members and one nonvoting member, who shall be the~~  
11 ~~comptroller or the comptroller's designee. The council members~~  
12 ~~shall serve four year terms. The voting members shall include:~~

- 13 ~~(1) One county building official from each of the four~~  
14 ~~counties appointed by the mayor;~~
- 15 ~~(2) One member representing the state fire council;~~
- 16 ~~(3) One member representing the department of labor and~~  
17 ~~industrial relations who has significant experience in~~  
18 ~~elevator safety;~~
- 19 ~~(4) One member representing the state energy office of the~~  
20 ~~department of business, economic development, and~~  
21 ~~tourism;~~



- 1       ~~(5) One member representing the Structural Engineers~~  
2           ~~Association of Hawaii,~~
- 3       ~~(6) One member representing the American Institute of~~  
4           ~~Architects, Hawaii State Council,~~
- 5       ~~(7) One member representing the Building Industry~~  
6           ~~Association of Hawaii or the General Contractors~~  
7           ~~Association of Hawaii, who has significant experience~~  
8           ~~with building codes, with alternating four-year terms~~  
9           ~~between the two organizations and the first four-year~~  
10          ~~term to be served by the Building Industry Association~~  
11          ~~of Hawaii; and~~
- 12       ~~(8) One member representing the Subcontractors~~  
13           ~~Association of Hawaii who has significant experience~~  
14           ~~with building codes.~~
- 15       ~~(b) Seven voting members shall constitute a quorum. The~~  
16       ~~chairperson of the council shall be elected annually from among~~  
17       ~~its members by a majority vote of the members of the council.~~
- 18       ~~(c) Members shall serve without compensation, but shall be~~  
19       ~~reimbursed for expenses, including travel expenses necessary for~~  
20       ~~the performance of their duties." ]~~



1 SECTION 6. Section 107-23, Hawaii Revised Statutes, is  
2 repealed.

3 [~~"§107-23 Executive director and executive assistant,  
4 council budget. (a) The council shall appoint, exempt from  
5 chapters 76 and 89, an executive director, who shall serve at  
6 the pleasure of the council, and who shall have administrative  
7 abilities and experience with the building industry. The  
8 council shall also appoint, exempt from chapters 76 and 89, an  
9 executive assistant, who shall have experience in statutory and  
10 administrative rulemaking processes to assist in carrying out  
11 the duties of the council under section 107-24. The council may  
12 appoint other staff who shall be subject to chapters 76 and 89.~~

13 ~~(b) The budgetary requirements for conducting meetings,  
14 training, travel, and other related responsibilities of the  
15 council, including salaries of the executive director, executive  
16 assistant, and other staff, shall be included in the budget of  
17 the department of accounting and general services." ]~~

18 SECTION 7. Section 107-24, Hawaii Revised Statutes, is  
19 repealed.



1           ~~["§107-24 Authority and duties of the council. (a) Any~~  
2 ~~law to the contrary notwithstanding, the council shall establish~~  
3 ~~the Hawaii state building codes.~~

4           ~~(b) The council shall appoint a subcommittee comprising~~  
5 ~~the four council members representing county building officials,~~  
6 ~~whose duty shall be to recommend any necessary or desirable~~  
7 ~~state amendments to the codes and standards identified in~~  
8 ~~section 107-25. Any recommended state amendments shall require~~  
9 ~~the unanimous agreement of the subcommittee.~~

10          ~~(c) The council shall adopt, amend, or update codes and~~  
11 ~~standards identified in section 107-25 on a staggered basis as~~  
12 ~~established by the council; provided that adoption of a code or~~  
13 ~~standard shall be within two years of the official publication~~  
14 ~~date of the code or standard, pursuant to chapter 92, and exempt~~  
15 ~~from the requirements of chapter 91. If the council does not~~  
16 ~~adopt a code or standard identified in section 107-25 within the~~  
17 ~~two-year time period, that code or standard shall automatically~~  
18 ~~become part of the Hawaii state building code until superseded~~  
19 ~~by the adoption of an amended version of the code or standard by~~  
20 ~~the council pursuant to this subsection.~~



1       ~~(d) The council may appoint other investigative, technical~~  
2 ~~expertise committees, which may include council members.~~

3       ~~(e) The council shall consult with general building~~  
4 ~~contractor associations and building trade associations to~~  
5 ~~gather information and recommendations on construction practices~~  
6 ~~and training relevant to building codes and standards.~~

7       ~~(f) The council may make expenditures for technical~~  
8 ~~references, equipment and supplies, and other operating~~  
9 ~~expenses, and may contract for the conduct of research studies~~  
10 ~~and other technical services.~~

11       ~~(g) The council may provide education and technical~~  
12 ~~training and administrative assistance in the form of services~~  
13 ~~or grants at the state and county levels relating to the~~  
14 ~~implementation and enforcement of the Hawaii state building~~  
15 ~~codes adopted pursuant to this part.~~

16       ~~(h) At the end of each fiscal year, the council shall~~  
17 ~~submit a written report to the governor on the council's~~  
18 ~~activities, including the codes and standards adopted, amended,~~  
19 ~~or updated by the council." ]~~

20       SECTION 8. Section 107-26, Hawaii Revised Statutes, is  
21 repealed.







Dan Carnas

Christy Agnew

[Signature]

JAN 17 2020



# H.B. NO. 1933

**Report Title:**

State Building Code Council; Repeal

**Description:**

Repeals the state building code council. Takes effect on 1/1/2021.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

