

JAN 21 2022

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# A BILL FOR AN ACT

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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 create and implement a uniform set of statewide  
4 building codes applicable to all construction in the State of  
5 Hawai'i, which is now known as the Hawai'i state building codes.  
6 The legislature believes that health and safety considerations  
7 related to the state building codes are matters of statewide  
8 concern.

9       The legislature further finds that the state building code  
10 council has struggled with limited funding and insufficient  
11 staffing since its creation. It is also a concern that the  
12 members of the state building code council may lack the required  
13 experience in and knowledge on building codes and the cost  
14 impacts of building code revisions. Amendments to the state  
15 building codes proposed by the private sector and others that  
16 may financially benefit from the adoption of the proposed  
17 amendments, especially amendments to codes that do not pertain



1 to public health or safety, are often adopted without a cost  
2 benefit analysis; input from residential, commercial, and  
3 industrial builders; or consideration of the resulting increase  
4 in the overall cost of construction in Hawai'i.

5 The legislature also finds that the state building code  
6 council is significantly burdened by its duty to update the  
7 state building codes to conform to the International Building  
8 Code (IBC), since a new edition of the international code is  
9 published by the International Code Council every three years.  
10 The frequent updates affect not only the council, but also  
11 county building departments that must spend hundreds of  
12 workhours revising the county codes to reflect the updates; the  
13 construction industry that must spend considerable time and  
14 effort in learning the new codes and retraining workers; and  
15 consumers that are subject to the resulting increase in building  
16 costs and delays in permit processing.

17 Despite the work performed by the state building code  
18 council, the decision to adopt the state building codes into  
19 county building codes ultimately rests with each individual  
20 county. The legislature finds that this two-step process  
21 results in delays to the adoption of building codes and



1 increases to the cost of construction in Hawai'i, especially when  
2 repeated every three years.

3 Therefore, the purpose of this Act is to amend part II,  
4 chapter 107, Hawaii Revised Statutes, titled state building code  
5 and design standards, to:

- 6 (1) Add one voting member to the state building code  
7 council representing the Hawai'i chapter of the  
8 National Association of Industrial and Office  
9 Properties;
- 10 (2) Add one voting member to the state building code  
11 council representing the construction trade unions;
- 12 (3) Require voting members of the state building code  
13 council and persons drafting recommended state  
14 amendments to the codes to disclose all potential  
15 financial interests, relating to their  
16 recommendations; and
- 17 (4) Require the state building code council to adopt every  
18 other new edition of the IBC instead of every new  
19 edition, starting with the adoption of the 2018  
20 edition. This will enlarge the adoption cycle from  
21 three years to six years, which is consistent with



1 past code adoption cycles by the counties and many  
2 other building codes and standards referenced in the  
3 IBC.

4 SECTION 2. Section 107-22, Hawaii Revised Statutes, is  
5 amended to read as follows:

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]~~ thirteen voting members and one nonvoting member, who  
11 shall be the comptroller or the comptroller's designee. The  
12 council members shall serve four-year terms. The voting members  
13 shall include:

- 14 (1) One county building official from each of the four  
15 counties appointed by the mayor;  
16 (2) One member representing the state fire council;  
17 (3) One member representing the department of labor and  
18 industrial relations who has significant experience in  
19 elevator safety;



(4) One member representing the state energy office of the department of business, economic development, and tourism;

(5) One member representing the Structural Engineers Association of Hawaii;

(6) One member representing the American Institute of Architects, Hawaii State Council;

(7) One member representing the Building Industry Association of Hawaii or the General Contractors Association of Hawaii, who has significant experience with building codes, with alternating four-year terms between the two organizations and the first four-year term to be served by the Building Industry Association of Hawaii; [and]

(8) One member representing the Subcontractors' Association of Hawaii who has significant experience with building codes[-];

(9) One member representing the Hawaii chapter of the National Association of Industrial and Office Properties; and



1       (10) One member representing the construction trade unions  
2           in Hawaii.

3       (b) [~~Seven~~] Eight voting members shall constitute a  
4 quorum. The chairperson of the council shall be elected  
5 annually from among its members by a majority vote of the  
6 members of the council.

7       (c) Members shall serve without compensation, but shall be  
8 reimbursed for expenses, including travel expenses necessary for  
9 the performance of their duties."

10       SECTION 3. Section 107-24, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "**§107-24 Authority and duties of the council.** (a) Any  
13 law to the contrary notwithstanding, the council shall establish  
14 the Hawaii state building codes.

15       (b) The council shall appoint a subcommittee comprising  
16 the four council members representing county building officials,  
17 whose duty shall be to recommend any necessary or desirable  
18 state amendments to the codes and standards identified in  
19 section 107-25. Any recommended state amendments shall require  
20 the unanimous agreement of the subcommittee.



1        (c) All voting members, members recommending a state  
2        amendment to the codes, and any person drafting the  
3        recommendation shall disclose all potential conflicts of  
4        financial interests relating to the recommended amendment to the  
5        council in writing prior to a member making a recommendation.

6        [~~e~~] (d) The council shall adopt, amend, or update codes  
7        and standards identified in section 107-25 on a staggered basis  
8        as established by the council; provided that the adoption of the  
9        International Building Code shall be every six years, starting  
10       with the adoption of the 2018 edition; provided further that  
11       adoption of a code or standard shall be within two years of the  
12       official publication date of the code or standard, pursuant to  
13       chapter 92, and exempt from the requirements of chapter 91. If  
14       the council does not adopt a code or standard identified in  
15       section 107-25 within the two-year time period, that code or  
16       standard shall automatically become part of the Hawaii state  
17       building code until superseded by the adoption of an amended  
18       version of the code or standard by the council pursuant to this  
19       subsection.



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

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

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

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

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





1       SECTION 4. Section 107-27, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3       "(a) No later than one year after the adoption of codes or  
4 standards pursuant to section [~~107-24(e)~~], 107-24(d), the design  
5 of all state building construction shall be in compliance with  
6 the Hawaii state building codes, except state building  
7 construction shall be allowed to be exempted from:

8       (1) County codes that have not adopted the Hawaii state  
9 building codes;

10       (2) Any county code amendments that are inconsistent with  
11 the minimum performance objectives of the Hawaii state  
12 building codes or the objectives enumerated in this  
13 part; or

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

16       SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 2022.

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INTRODUCED BY:

DK



**Report Title:**

State Building Code Council; Member Configuration; International Building Code Adoption Cycle

**Description:**

Adds two voting council members, representing the National Association of Industrial and Office Properties and the construction trade unions, respectively. Requires council members and the drafters of recommended state code amendments to disclose potential conflicts of financial interests. Requires the council to adopt the International Building Code every six years starting with the 2018 edition.

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

