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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 Act 82, Session Laws  
2 of Hawaii 2007, established the state building code council to  
3 adopt a uniform set of statewide building codes applicable to  
4 one- and two-family dwellings and all other residential,  
5 commercial, industrial, and state buildings to facilitate the  
6 application of consistent standards by building owners,  
7 designers, contractors, and code enforcers within the State.

8           The legislature recognizes that the jurisdiction of the  
9 department of accounting and general services is limited to  
10 state facilities. Accordingly, the purpose of this Act is to  
11 administratively relocate the state building code council from  
12 the department of accounting and general services to the Hawaii  
13 state energy office.

14           SECTION 2. Section 107-21, Hawaii Revised Statutes, is  
15 amended by amending the definition of "department".

16           "Department" means the department of [~~accounting and~~  
17 ~~general services.~~] business, economic development, and tourism."



1 SECTION 3. Section 107-22, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established a state building code council.  
4 The council shall be placed within the [~~department of accounting~~  
5 ~~and general services~~] Hawaii state energy office for  
6 administrative purposes only. The council shall consist of  
7 eleven voting members and one nonvoting member, who shall be the  
8 comptroller or the comptroller's designee. The council members  
9 shall serve four-year terms. The voting members shall include:

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



- 1 (6) One member representing the American Institute of  
2 Architects, Hawaii State Council;
- 3 (7) One member representing the Building Industry  
4 Association of Hawaii or the General Contractors  
5 Association of Hawaii, who has significant experience  
6 with building codes, with alternating four-year terms  
7 between the two organizations and the first four-year  
8 term to be served by the Building Industry Association  
9 of Hawaii; and
- 10 (8) One member representing the Subcontractors'  
11 Association of Hawaii who has significant experience  
12 with building codes."

13 SECTION 4. Section 107-23, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

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

20 SECTION 5. All rights, powers, functions, and duties  
21 relating to the state building code council are transferred from



1 the department of accounting and general services to the Hawaii  
2 state energy office.

3 All employees who occupy civil service positions and whose  
4 functions are transferred to the Hawaii state energy office by  
5 this Act shall retain their civil service status, whether  
6 permanent or temporary. Employees shall be transferred without  
7 loss of salary, seniority (except as prescribed by applicable  
8 collective bargaining agreements), retention points, prior  
9 service credit, any vacation and sick leave credits previously  
10 earned, and other rights, benefits, and privileges, in  
11 accordance with state personnel laws and this Act; provided that  
12 the employees possess the minimum qualifications and public  
13 employment requirements for the class or position to which  
14 transferred or appointed, as applicable; provided further that  
15 subsequent changes in status may be made pursuant to applicable  
16 civil service and compensation laws.

17 Any employee who, prior to this Act, is exempt from civil  
18 service and is transferred as a consequence of this Act may  
19 retain the employee's exempt status, but shall not be appointed  
20 to a civil service position as a consequence of this Act. An  
21 exempt employee who is transferred by this Act shall not suffer



1 any loss of prior service credit, vacation or sick leave credits  
2 previously earned, or other employee benefits or privileges as a  
3 consequence of this Act; provided that the employees possess  
4 legal and public employment requirements for the position to  
5 which transferred or appointed, as applicable; provided further  
6 that subsequent changes in status may be made pursuant to  
7 applicable employment and compensation laws. The director of  
8 business, economic development, and tourism may prescribe the  
9 duties and qualifications of these employees and fix their  
10 salaries without regard to chapter 76, Hawaii Revised Statutes.

11 SECTION 6. All rules, policies, procedures, guidelines,  
12 and other material relating to the state building code council  
13 that are adopted or developed by the department of business,  
14 economic development, and tourism to implement provisions of the  
15 Hawaii Revised Statutes that are reenacted or made applicable to  
16 the Hawaii state energy office by this Act shall remain in full  
17 force and effect until amended or repealed by the department of  
18 business, economic development, and tourism pursuant to chapter  
19 91, Hawaii Revised Statutes. In the interim, every reference to  
20 the department of accounting and general services or comptroller  
21 in those rules, policies, procedures, guidelines, and other



1 material is amended to refer to the department of business,  
2 economic development, and tourism; director of business,  
3 economic development, and tourism; or chief energy officer, as  
4 appropriate.

5 SECTION 7. All deeds, leases, contracts, loans,  
6 agreements, permits, or other documents relating to the state  
7 building code council that are executed or entered into by or on  
8 behalf of the department of accounting and general services,  
9 pursuant to the provisions of the Hawaii Revised Statutes, that  
10 are reenacted or made applicable to the department of business,  
11 economic development, and tourism by this Act shall remain in  
12 full force and effect. Effective July 1, 2021, every reference  
13 to the department of accounting and general services or the  
14 comptroller in those deeds, leases, contracts, loans,  
15 agreements, permits, or other documents shall be construed as a  
16 reference to the department of business, economic development,  
17 and tourism; the director of business, economic development, and  
18 tourism; or the chief energy officer, as appropriate.

19 SECTION 8. All appropriations, records, equipment,  
20 machines, files, supplies, contracts, books, papers, documents,  
21 maps, and other personal property heretofore made, used,



1 acquired, or held by the department of accounting and general  
2 services relating to the functions of the state building code  
3 council that are transferred to the department of business,  
4 economic development, and tourism shall be transferred with the  
5 functions to which they relate.

6 SECTION 9. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 10. This Act shall take effect on July 1, 2050.



**Report Title:**

State Building Code Council; Department of Business, Economic Development, and Tourism; Hawaii State Energy Office

**Description:**

Transfers the State Building Code Council from the Department of Accounting and General Services to the Hawaii State Energy Office. Effective 7/1/2050. (SD2)

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

