



LiUNA!

Testimony of the Hawaii Laborers' Union Local 368
1617 Palama Street
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ESTHER AILA
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MARK TRAVALINO
Auditor

MARTIN ARANAYDO
Sergeant-At-Arms

Meeting: State Building Codes Council

Date: April 20, 2021

Time: 9:00 a.m.

The Hawaii Laborers' Union Local 368 has concerns over the State Building Codes Council's proposal to adopt Chapter 17 and Section 3113, 2018 IBC and proposed State amendments to Chapter 17.

ADOPTION OF DRAFT IBC WOULD VIOLATE HRS SECTION 107-26:

Adoption of Chapter 17 and Section 3113, 2018 IBC and proposed State amendments to Chapter 17 appear to violate HRS Section 107-26. HRS Section 107-26 states:

§107-26 Hawaii state building codes; prohibitions. In adopting the Hawaii state building codes, the council shall not adopt provisions that:

- (1) Relate to administrative, permitting, or enforcement and inspection procedures of each county; or
- (2) Conflict with chapters 444 and 464. [L 2007, c 82, pt of §2; am L 2014, c 164, §7]

Therefore, the Hawaii State Legislature has seen fit to exercise its right to **prohibit any action by the State of Hawaii** regarding any issues pertaining to **administrative, permitting or enforcement and inspection**, reserving the right to deliberate and decide on these issues to the Counties.

Therefore, any action by this **State** Building Codes Council to adopt Chapter 17 would violate Hawaii state law as referenced above because the title of Chapter 17 in itself is specific to "Special Inspections and Tests."

A closer inspection of both Chapter 17 and Section 3113, provides further evidence that HRS Section 107-26 would prevent this Council from taking action to adopt these two amendments as both Chapter 17 and Section 3113, 2018 IBC

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would appear to **replace or modify the administrative permitting and inspection procedures of the counties thereby violating HRS Section 107-26.**

Therefore, at this time we would like to formally request a written opinion from the State Attorney General on the 2018 International Building Code's Chapter 17 and Section 3113, and whether this council is barred from taking any action on those sections pursuant to HRS Section 107-26.

We would also like to formally request that the Attorney General and/or the State Building Codes Council produce a prior opinion regarding the same matter as mentioned above, as mentioned by council member Lloyd Rogers at the April 2021 SBO meeting.

Finally, we would formally request that the State Building Codes Council discontinue taking any action toward the adoption of the 2018 International Building Code Chapter 17 and Section 3113 until the aforementioned written opinion from the attorney general is received by the State Building Codes Council and the requestors of the opinion.

To be clear, this request does not seek to restrict the State Building Codes Council from taking action to pass the remainder of the 2018 International Building Code or any other portion outside of Chapter 17 and Section 3113.

Thank you for the opportunity to submit this written testimony.

Respectfully,
Ryan Kobayashi
Government Affairs

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