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# A BILL FOR AN ACT

RELATING TO THE STATE BUILDING CODE.

**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 created in 2007 to review and adopt current,  
3 nationally recognized building codes and standards for the  
4 State. However, the staff and operating expenses of the council  
5 have never been funded, thereby limiting the effectiveness of  
6 the work of the nine voting members.

7           The purpose of this Act is to add building industry and  
8 trade representatives to the council membership, allow  
9 staggering of the code adoption, define and clarify terminology,  
10 ensure that no code provisions that conflict with the laws  
11 governing contractors are adopted, and appropriate funds to the  
12 department of accounting and general services for the council's  
13 operating costs.

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

16           1. By adding two new definitions to be appropriately  
17 inserted and to read:



1        "Codes and standards" means nationally recognized minimum  
2 requirements that shall be met for design and construction to  
3 safeguard life, property, and the general welfare.

4        "Hawaii state building codes" means the building codes and  
5 standards that the state building code council adopts under  
6 section 107-24."

7        2. By amending the definition of "hurricane resistive  
8 criteria" to read:

9        "~~Hurricane [resistive]~~ resistant criteria" means the  
10 design criteria for enhanced hurricane protection areas that are  
11 capable of withstanding a five hundred-year hurricane event, as  
12 developed by the state department of defense for public shelter  
13 and residential safe room design criteria."

14        SECTION 3. Section 107-22, Hawaii Revised Statutes, is  
15 amended by amending subsections (a) and (b) to read as follows:

16        "(a) There is established a state building code council.  
17 The council shall be placed within the department of accounting  
18 and general services for administrative purposes only. The  
19 council shall consist of [~~nine~~] eleven voting members and one  
20 nonvoting member, who shall be the comptroller or the  
21 comptroller's designee. The council members shall serve four-



1 year terms [~~as defined in paragraphs (1) to (6)~~]. The voting  
2 members shall include:

3 (1) One county building official from each of the four  
4 counties appointed by the mayor;

5 (2) One member representing the state fire council;

6 [~~(3) One member representing the department of health who  
7 has significant experience in building mechanical and  
8 sewage disposal systems;~~

9 ~~(4)~~ (3) One member representing the department of labor  
10 and industrial relations who has significant  
11 experience in elevator [~~or fire~~] safety;

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

15 (5) One member representing the Structural Engineers  
16 Association of Hawaii; [~~and~~]

17 (6) One member representing the American Institute of  
18 Architects, Hawaii State Council[~~-~~];

19 (7) One member representing the Building Industry  
20 Association of Hawaii or the General Contractors  
21 Association of Hawaii, who has significant experience  
22 with building codes; and



1           (8) One member representing the Subcontractors'  
2                   Association of Hawaii who has significant experience  
3                   with building codes.

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

8           SECTION 4. Section 107-23, Hawaii Revised Statutes, is  
9 amended to read as follows:

10           "~~§~~107-23~~§~~ **Executive director and executive**  
11 **assistant~~-~~; council budget.** (a) The council shall appoint,  
12 exempt from chapters 76 and 89, an executive director, who shall  
13 serve at the pleasure of the council, and who shall have  
14 administrative abilities and [~~expertise in engineering or~~  
15 ~~architecture.~~] experience with the building industry. The  
16 council shall also appoint, exempt from chapters 76 and 89, an  
17 executive assistant, who shall have experience in statutory and  
18 administrative rulemaking processes~~-~~ to assist in carrying out  
19 the duties of the council under section 107-24. The council may  
20 appoint other staff who shall be subject to chapters 76 and 89.

21           (b) The budgetary requirements for conducting meetings,  
22 training, travel, and other related responsibilities of the



1 council, including salaries of the executive director, executive  
2 assistant, and other staff, shall be included in the budget of  
3 the department."

4 SECTION 5. Section 107-24, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~f~~]\$107-24[~~f~~] **Authority and duties of the council.** (a)

7 Any law to the contrary notwithstanding, the council shall  
8 establish [~~a comprehensive~~] the Hawaii state building [~~code-~~]  
9 codes.

10 (b) The council shall appoint a subcommittee [~~comprised~~  
11 ~~of~~] comprising the four council members representing county  
12 building officials, whose duty shall be to recommend any  
13 necessary or desirable state amendments to the [~~model~~] codes[~~-~~]  
14 and standards identified in section 107-25. Any recommended  
15 state amendments shall require the unanimous agreement of the  
16 subcommittee.

17 (c) The council shall adopt, amend, and update codes and  
18 standards identified in section 107-25 on a staggered basis, as  
19 established by the council; provided that the adoption,  
20 amendment, or update of any code or standard:

21 (1) Shall not exceed once every six years; and



1           (2) Shall be based upon a review and evaluation of the  
2           utility of the code or standard at the time each  
3           respective edition is published.

4           ~~(c)~~ (d) The council may appoint other investigative,  
5 technical expertise committees, which may include council  
6 members.

7           ~~(d)~~ (e) The council shall consult with general building  
8 contractor associations and building trade associations to  
9 gather information and recommendations on construction practices  
10 and training relevant to building codes and standards.

11           ~~(e)~~ (f) The council shall review and adopt, as  
12 appropriate, new model building codes within eighteen months of  
13 the official publication date.

14           ~~(f)~~ (g) The council may make expenditures for technical  
15 references, equipment and supplies, and other operating  
16 expenses, and may contract for the conduct of research studies  
17 and other technical services.

18           ~~(g)~~ (h) The council ~~shall~~ may provide education and  
19 technical training and administrative assistance in the form of  
20 services or grants at the state and county levels relating to  
21 the implementation and enforcement of the Hawaii state building  
22 ~~code~~ codes adopted pursuant to this part.



1            (i) At the end of each fiscal year, the council shall  
2 submit a written report to the governor on the council's  
3 activities, including the codes and standards established by the  
4 council."

5            SECTION 6. Section 107-25, Hawaii Revised Statutes, is  
6 amended to read as follows:

7            "[~~H~~§107-25[~~]~~—~~State~~] Hawaii state building [eode:] codes;  
8 **requirements.** There is established [a] the Hawaii state  
9 building [eode] codes applicable to all construction in the  
10 State of Hawaii. The Hawaii state building [eode] codes shall  
11 [~~include:]~~ be based upon:

- 12            (1) The [~~latest edition of the~~] state fire code as adopted  
13            by the state fire council;
- 14            (2) The [~~latest edition of the~~] Uniform Plumbing Code, as  
15            copyrighted and published by the International  
16            Association of Plumbing and Mechanical Officials,  
17            including its appendices;
- 18            (3) The [~~latest edition of the~~] International Building  
19            Code, the International Residential Code, and the  
20            International Energy Conservation Code, as published  
21            by the International Code Council;



1       (4) The National Electrical Code, as published by the  
2       National Fire Protection Association;  
3       [+4+] (5) Hawaii design standards implementing the criteria  
4       pursuant to Act 5, Special Session Laws of Hawaii,  
5       2005, as applicable to:  
6       (A) Emergency shelters built to comply with hurricane  
7       resistant criteria, including enhanced hurricane  
8       protection areas capable of withstanding a five  
9       hundred-year hurricane event as well as other  
10      storms and natural hazards; and  
11      (B) Essential government facilities requiring  
12      continuity of operations; and  
13      [+5+] (6) Code provisions based on nationally published  
14      codes or standards that include[7] but are not limited  
15      to[7] residential and hurricane [~~resistive~~] resistant  
16      standards [~~for residential construction, fire,~~]  
17      related to loss mitigation standards in accordance  
18      with section 431P-12, elevator, [electrical,  
19      ~~plumbing,~~] mechanical, flood and tsunami, existing  
20      buildings, [~~and energy conservation standards for~~  
21      ~~building design and construction,~~] and onsite sewage  
22      disposal."





1 SECTION 7. Section 107-26, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~§107-26[~~]~~—~~State~~] Hawaii state building [eode~~7~~] codes;  
4 prohibitions. In adopting [~~a~~] the Hawaii state building [eode~~7~~]  
5 codes, the council shall not adopt provisions that:

- 6 (1) Relate to administrative, permitting, or enforcement  
7 and inspection procedures of each county; or
- 8 (2) Conflict with [~~chapter~~] chapters 444 and 464."

9 SECTION 8. Section 107-27, Hawaii Revised Statutes, is  
10 amended by amending its title and subsection (a) to read as  
11 follows:

12 "[~~§~~§107-27[~~]~~—~~Exemptions.~~] Design of state buildings. (a)  
13 [~~Upon~~] No later than one year after the adoption of rules under  
14 this chapter, the design of all state building construction  
15 shall be in compliance with the Hawaii state building [eode  
16 within one year of its effective date, and] codes, except state  
17 building construction shall be allowed to be exempted from:

- 18 (1) County codes that have not adopted the Hawaii state  
19 building [eode~~7~~] codes;
- 20 (2) Any county code amendments that are inconsistent with  
21 the minimum performance objectives of the Hawaii state



1 building ~~[code]~~ codes or the objectives enumerated in  
2 this part; or

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

5 SECTION 9. Section 107-28, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[~~§~~§107-28~~§~~] County ~~[building code]~~ authority to amend  
8 and adopt the Hawaii state ~~[model]~~ building ~~[code]~~ codes without  
9 ~~[state]~~ council approval. (a) The governing body of each  
10 county shall amend, adopt, and update the Hawaii state building  
11 ~~[code]~~ codes as ~~[it applies]~~ they apply within ~~[its]~~ their  
12 respective jurisdiction, in accordance with section 46-1.5(13),  
13 without approval of the council. Each county shall ~~[use]~~ amend  
14 and adopt the ~~[model]~~ Hawaii state building codes and standards  
15 listed in section 107-25, as the referenced ~~[model]~~ Hawaii state  
16 building codes and standards for its respective county building  
17 code ordinance, no later than two years after the adoption of  
18 the Hawaii state building ~~[code-]~~ codes.

19 (b) If a county does not amend the ~~[statewide model code]~~  
20 Hawaii state building codes within the two-year time frame, the  
21 Hawaii state building ~~[code]~~ codes shall become applicable as an



1 interim county building code [~~until the county adopts the~~  
2 ~~amendments~~]."

3 SECTION 10. Section 132-3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§132-3 Adoption of state fire code.** The state fire  
6 council shall, after public hearings pursuant to chapter 91,  
7 adopt a state fire code setting forth minimum requirements  
8 relative to the protection of persons and property from fire  
9 loss including without limitation: (1) the storage, handling  
10 and use of hazardous substances, materials and devices; and (2)  
11 the control of conditions hazardous to life or property in the  
12 design, use or occupancy of buildings and premises. The state  
13 fire code shall become part of the Hawaii state building [~~code~~]  
14 codes as provided in section 107-25. The state fire council  
15 shall meet annually to review and amend the state fire code."

16 SECTION 11. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so much  
18 thereof as may be necessary for fiscal year 2014-2015 for the  
19 state building code council and staff to carry out their duties  
20 and functions, including operating costs and staff salaries.

21 The sum appropriated shall be expended by the department of  
22 accounting and general services for the purposes of this Act.



1           SECTION 12. This Act does not affect rights and duties  
2 that matured, penalties that were incurred, and proceedings that  
3 were begun before its effective date.

4           SECTION 13. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 14. This Act shall take effect on July 1, 2050.



**Report Title:**

Hawaii State Building Code Council; Appropriation

**Description:**

Modifies the composition, quorum, and duties of the Hawaii state building code council and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions. Prohibits the state building code council from adopting provisions in the Hawaii state building codes that conflict with laws governing contractors. Appropriates unspecified funds to department of accounting and general services for council's operating costs, including staff salaries. Effective 07/01/2050. (SD2)

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

