
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. Other staff may
20 be appointed but 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 of accounting and general services."

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

6 "~~+~~**§107-24**~~+~~ **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 of
11 the four council members representing county building officials,
12 whose duty shall be to recommend any necessary or desirable
13 state amendments to the [~~model~~] codes~~-~~ and standards
14 identified in section 107-25. Any recommended state amendments
15 shall require the unanimous agreement of the subcommittee.

16 (c) The council shall designate the staggering of the
17 adoption of the codes and standards to be adopted, amended, and
18 updated. The frequency of the adoption of any code or standard
19 shall not exceed once every six years. Any recommended
20 staggering of adoptions shall be based on a review and
21 evaluation of the utility of each code and standard identified
22 in section 107-25 when each edition is published.



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

4 ~~[(d)]~~ (e) 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 ~~[(e)]~~ (f) The council shall review and adopt, as
9 appropriate, new model building codes within eighteen months of
10 the official publication date.

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

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

20 (i) At the end of each fiscal year, the council shall make
21 a written report to the governor on the council's activities,
22 including the codes and standards established by the council."



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

3 "~~[+]§107-25[]—State]~~ Hawaii state building [eode,] codes;
4 **requirements.** There is established [a] the Hawaii state
5 building [eode] codes applicable to all construction in the
6 State of Hawaii. The Hawaii state building [eode] codes shall
7 [~~include:~~] be based upon:

8 (1) The [~~latest edition of the]~~ state fire code as adopted
9 by the state fire council;

10 (2) The [~~latest edition of the]~~ Uniform Plumbing Code, as
11 copyrighted and published by the International
12 Association of Plumbing and Mechanical Officials,
13 including its appendices;

14 (3) The [~~latest edition of the]~~ International Building
15 Code, the International Residential Code, and the
16 International Energy Conservation Code, as published
17 by the International Code Council;

18 (4) The National Electrical Code, as published by the
19 National Fire Protection Association;

20 [~~(4)~~] (5) Hawaii design standards implementing the criteria
21 pursuant to Act 5, Special Session Laws of Hawaii,
22 2005, as applicable to:

1 (1) Relate to administrative, permitting, or enforcement
2 and inspection procedures of each county; or

3 (2) Conflict with [~~chapter~~] chapters 444 and 464."

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

7 "~~[+]§107-27 []- Exemptions.~~ Design of state buildings. (a)

8 [~~Upon~~] No later than one year after the adoption of rules under
9 this chapter, the design of all state building construction
10 shall be in compliance with the Hawaii state building [~~code~~
11 ~~within one year of its effective date, and~~] codes, except state
12 building construction shall be allowed to be exempted from:

13 (1) County codes that have not adopted the Hawaii state
14 building [~~code,~~] codes;

15 (2) Any county code amendments that are inconsistent with
16 the minimum performance objectives of the Hawaii state
17 building [~~code~~] codes or the objectives enumerated in
18 this part; or

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

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



1 "~~[+]§107-28[+]~~ County ~~[building code]~~ authority to amend
2 and adopt the Hawaii state [model] building [code] codes without
3 ~~[state] council approval.~~ (a) The governing body of each
4 county shall amend, adopt, and update the Hawaii state building
5 [code] codes as ~~[it applies]~~ they apply within ~~[its]~~ their
6 respective jurisdiction, in accordance with section 46-1.5(13),
7 without approval of the council. Each county shall ~~[use]~~ amend
8 and adopt the ~~[model]~~ Hawaii state building codes and standards
9 listed in section 107-25, as the referenced ~~[model]~~ Hawaii state
10 building codes and standards for its respective county building
11 code ordinance, no later than two years after the adoption of
12 the Hawaii state building [code-] codes.

13 (b) If a county does not amend the ~~[statewide model code]~~
14 Hawaii state building codes within the two-year time frame, the
15 Hawaii state building [code] codes shall become applicable as an
16 interim county building code ~~[until the county adopts the~~
17 ~~amendments]~~."

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

20 "**§132-3 Adoption of state fire code.** The state fire
21 council shall, after public hearings pursuant to chapter 91,
22 adopt a state fire code setting forth minimum requirements



1 relative to the protection of persons and property from fire
 2 loss including without limitation: (1) the storage, handling
 3 and use of hazardous substances, materials and devices; and (2)
 4 the control of conditions hazardous to life or property in the
 5 design, use or occupancy of buildings and premises. The state
 6 fire code shall become part of the Hawaii state building [~~code~~]
 7 codes as provided in section 107-25. The state fire council
 8 shall meet annually to review and amend the state fire code."

9 SECTION 11. There is appropriated out of the general
 10 revenues of the State of Hawaii the sum of \$250,000 or so much
 11 thereof as may be necessary for fiscal year 2014-2015 for the
 12 state building code council and staff to carry out their duties
 13 and functions, including operating costs and staff salaries.

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

16 SECTION 12. This Act does not affect rights and duties
 17 that matured, penalties that were incurred, and proceedings that
 18 were begun before its effective date.

19 SECTION 13. Statutory material to be repealed is bracketed
 20 and stricken. New statutory material is underscored.

21 SECTION 14. This Act shall take effect on July 1, 2014.



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 funds to department of accounting and general services for council's operating costs, including staff salaries. (SD1)

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

