
A BILL FOR AN ACT

RELATING TO BUILDING CODES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to promote the
2 health, safety, and welfare of the occupants or users of
3 buildings and structures and the general public through the
4 adoption of a uniform statewide model building code.

5 SECTION 2. The Hawaii Revised Statutes is amended by
6 adding a new chapter to be appropriately designated and to read
7 as follows:

8 "CHAPTER

9 STATE BUILDING CODE

10 § -1 **Definitions.** As used in this chapter, unless the
11 context otherwise requires:

12 "Commission" means the state building code commission.

13 "State building code" means the uniform statewide model
14 building code.

15 § -2 **State building code commission.** (a) There is
16 hereby established a state building code commission. The
17 commission shall be attached to the department of accounting and
18 general services for administrative purposes only.



1 (b) The commission shall consist of nine voting members,
2 who, except as provided in paragraph (1), shall be appointed by
3 the governor, and one nonvoting member. The members shall
4 include:

5 (1) One county building official from each of the four
6 major counties of the State, appointed by the mayor of
7 each county;

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

9 (3) One member representing the state department of health
10 with significant experience in building mechanical and
11 sewage disposal systems;

12 (4) One member representing the department of labor and
13 industrial relations with significant experience in
14 fire safety;

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

17 (6) One member representing the American Institute of
18 Architects, Hawaii State Chapter; and

19 (7) The comptroller or the comptroller's designated
20 representative who shall be the nonvoting member.



1 (c) Members shall not be compensated, but shall be
2 reimbursed for interisland travel and other expenses directly
3 related to performance of their duties.

4 (d) The chairperson of the commission shall be elected
5 annually by a majority of its members from among all of its
6 members.

7 (e) Except as provided in this section, the commission
8 shall be subject to sections 26-34, 26-35, 26-35.5, and 26-36.

9 § -3 **Executive director and executive assistant;**
10 **employees.** (a) The commission shall select an executive
11 director, who shall serve at the pleasure of the commission and
12 who shall have administrative abilities and expertise in
13 engineering or architecture, and an executive assistant, who
14 shall have experience in statutory and administrative rulemaking
15 processes. The commission may engage employees necessary to
16 perform its duties, including administrative personnel, as
17 provided by section 26-35.

18 (b) The positions of executive director and executive
19 assistant shall not be subject to chapter 76; provided that the
20 executive director and executive assistant shall be entitled to
21 any rights and benefits accorded to similarly employed state
22 employees.



1 (c) The salaries of the executive director and executive
2 assistant shall be determined by the commission.

3 § -4 Authority and duties of the commission; state
4 building code. (a) Any law to the contrary notwithstanding, by
5 December 31, 2007, the commission shall adopt a comprehensive,
6 uniform state building code through the rulemaking process set
7 forth in chapter 91.

8 (b) If the commission does not adopt the state building
9 code by December 31, 2007, then the latest editions of the codes
10 set forth in subsection (c)(1) to (4), together shall be the
11 state building code.

12 (c) The state building code shall be based on the latest
13 editions, as published by the International Code Council, of:

- 14 (1) The International Building Code;
15 (2) The International Residential Code;
16 (3) The International Mechanical Code;
17 (4) The International Plumbing Code; and
18 (5) Code provisions based upon nationally published codes
19 or standards that include but are not limited to fire,
20 elevator, electrical energy conservation standards for
21 building design and construction, private sewage



1 disposal, and hurricane resistive standards for one-
2 and two-family residential construction.

3 (d) In adopting the state building code, the commission
4 shall appoint a subcommittee comprised solely of each of the
5 commissioners appointed pursuant to section -2(b)(1), whose
6 duty shall be to recommend to the commission any necessary or
7 desirable state amendments to the codes and standards in
8 subsection (c), for inclusion in the state building code. Any
9 recommended state amendments shall require the unanimous
10 agreement of the subcommittee.

11 (e) The commission may appoint other investigative or
12 technical expertise committees that may include commissioners
13 and other appropriate persons.

14 (f) In adopting the state building code, the commission
15 shall not adopt provisions that:

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

18 (2) Prohibit indigenous, pre-western contact, Hawaiian
19 architecture.

20 (g) Upon adoption of the state building code, the
21 commission shall review and adopt, for inclusion in the state



1 building code, new model building codes, as appropriate, within
2 eighteen months of their official published date.

3 (h) The commission shall provide educational and technical
4 training and administrative assistance in the form of services
5 or grants at the state and county levels relating to the
6 implementation and enforcement of the state building code and
7 county building codes adopted pursuant to this chapter.

8 (i) The commission may make expenditures for technical
9 references, equipment and supplies, and other operating expenses
10 and may contract, pursuant to chapter 103D, for the conduct of
11 research studies and provision of technical services.

12 **§ -5 County building codes; exemptions.** (a) Any law,
13 charter provision, ordinance, or rule notwithstanding, upon the
14 adoption of the state building code by the commission or the
15 automatic enactment of the state building code pursuant to
16 section -4(b), the state building code shall be the building
17 code for each county and shall supersede any law, charter
18 provision, ordinance, or rule of any county relating to building
19 codes and standards.

20 (b) At any time prior to the adoption of the state
21 building code and from time to time after the adoption of the
22 state building code by the commission, any county may petition



1 the commission for an exemption from the state building code as
2 it applies within the petitioning county's jurisdiction. Any
3 county exemption shall be consistent with the minimum
4 performance standards of the state building code, promote the
5 health, safety, and welfare of the occupants or users of
6 buildings and structures and the general public, and shall be
7 subject to the approval of a majority of the members of the
8 commission."

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so much
11 thereof as may be necessary for fiscal year 2006-2007 for the
12 operations of the state building code commission and any
13 technical assistance services and technical assistance grants
14 provided by the commission to the city and county of Honolulu,
15 the county of Hawaii, the county of Kauai, and the county of
16 Maui.

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

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.

22 SECTION 5. This Act shall take effect on July 1, 2006.



HB 3230 H.D. I

Report Title:

Building Codes; State Building Code

Description:

Establishes a state building code commission that shall adopt a comprehensive state building code by 12/31/07 to be based on codes published by the International Code Council. Makes the state building code the building code in each county, subject to commission approved exemptions for individual counties. Appropriates funds for commission operations (HB3230 HD1).

