



1 "State building construction" means any building  
2 construction project or program initiated by a state agency or  
3 requiring the use of state funds.

4 **§ -3 State building code; establishment.** (a) There is  
5 established a state building code applicable to all construction  
6 in the State of Hawaii.

7 (b) The state building code shall include:

- 8 (1) The latest edition of the International Building Code,  
9 published by the International Code 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) Hawaii design standards implementing the criteria  
15 developed by the department of defense pursuant to Act  
16 5, Special Session Laws of Hawaii 2005, applicable to  
17 emergency shelters built to comply with hurricane  
18 resistant criteria, including enhanced hurricane  
19 protection areas capable of withstanding a five-  
20 hundred-year hurricane event, as well as other storms  
21 and natural hazards, and standards for essential



1 government facilities requiring continuity of  
2 operations; and

3 (4) Code provisions based on nationally published codes or  
4 standards that include but are not limited to  
5 residential and hurricane resistive standards for one-  
6 and two-family residential construction, and fire,  
7 elevator, electrical, plumbing, mechanical, and energy  
8 conservation standards for building design and  
9 construction, and private sewage disposal.

10 (c) The department of accounting and general services  
11 shall adopt rules pursuant to chapter 91 to establish a  
12 temporary building code for state building construction.

13 (d) The design of all state building construction shall be  
14 in compliance with the state building code within one year of  
15 its effective date.

16 **§ -4 State building code council.** (a) There is  
17 established a state building code council. The council shall be  
18 placed for administrative purposes in the department of  
19 accounting and general services.

20 (b) The council shall consist of nine voting members and  
21 one nonvoting member. The members shall include:



- 1           (1) One county building official from each of the four  
2           counties;
- 3           (2) One member representing the state fire council;
- 4           (3) One member representing the department of health who  
5           has significant experience in building mechanical and  
6           sewage disposal systems;
- 7           (4) One member representing the department of labor and  
8           industrial relations who has significant experience in  
9           elevator or fire safety;
- 10          (5) One member representing the Structural Engineers  
11          Association of Hawaii;
- 12          (6) One member representing the American Institute of  
13          Architects, Hawaii State Council; and
- 14          (7) The comptroller or the comptroller's designated  
15          representative who shall be a nonvoting member.
- 16          (c) Members shall serve without compensation but shall be  
17          reimbursed for actual expenses, including travel expenses,  
18          necessary for the performance of their duties.
- 19          (d) The chairperson of the council shall be elected  
20          annually from among its members by a majority vote of the  
21          members of the council.



1           **§ -5 Executive director and executive assistant.** (a)

2 The council shall select an executive director, who shall serve  
3 at the pleasure of the council, and who shall have  
4 administrative abilities and expertise in engineering or  
5 architecture.

6           (b) The council or the executive director shall select an  
7 executive assistant, who shall have experience in statutory and  
8 administrative rulemaking processes.

9           (c) The positions of executive director and executive  
10 assistant shall not be subject to chapter 76. The compensation  
11 of the executive director and executive assistant shall be  
12 determined by the council.

13           **§ -6 Duties of the council.** Any law to the contrary  
14 notwithstanding, the council shall:

- 15           (1) Establish a comprehensive state building code;
- 16           (2) Appoint a subcommittee comprised solely of each of the  
17 council members holding the county building official  
18 seats, whose duty shall be to recommend any necessary  
19 or desirable state amendments to the model codes. Any  
20 recommended state amendments shall require the  
21 unanimous agreement of the subcommittee;



1 (3) The council shall review and adopt, as appropriate,  
2 new model building codes within eighteen months of  
3 their official published date; and

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

10 **§ -7 General authority.** The state building code council  
11 may:

- 12 (1) Appoint other investigative technical expertise  
13 committees that may include council members;
- 14 (2) Expend money for technical references, equipment,  
15 supplies, and other operating expenses; and
- 16 (3) Contract for the conduct of research studies and  
17 provision of technical services.

18 **§ -8 Prohibitions.** The council shall not adopt state  
19 building code provisions that:

- 20 (1) Relate to administrative, permitting, enforcement, and  
21 inspection procedures of each county; or
- 22 (2) Conflict with the provisions of chapter 464.



1           **§ -9 Exemptions.** (a) Upon adoption of rules under this  
2 chapter, the design of all state building construction shall be  
3 in compliance with the state building code within one year of  
4 its effective date, and state building construction shall be  
5 exempt from:

6           (1) Building codes of counties that have not adopted the  
7 state building code;

8           (2) Any county amendments to the state building code under  
9 section -11 that are inconsistent with the minimum  
10 performance objectives of the state building code or  
11 the objective enumerated in section -1; and

12           (3) Any county amendments to the state building code under  
13 section -11 that are contrary to code amendments  
14 adopted by another county.

15           (b) County ordinances allowing the exercise of indigenous  
16 Hawaiian architecture adopted in accordance with section 46-1.55  
17 shall be exempt from the state building code.

18           **§ -10 Annual report.** The department of accounting and  
19 general services shall submit an annual report to the  
20 legislature no less than twenty days prior to the commencement  
21 of each regular session. The report shall detail the activities  
22 and accomplishments of the council.



1           **§ -11 County authority to amend.** (a) The governing  
2 body of each county is authorized to amend the state building  
3 code as it applies within that jurisdiction, in accordance with  
4 section 46-1.5(13), without approval of the council, no later  
5 than two years after the adoption of the state building code.  
6 Each county shall use the model codes and standards listed in  
7 section -3 as the referenced model building codes and  
8 standards for its county building code ordinance.

9           (b) County amendments shall be consistent with the minimum  
10 performance standards of the state building code and the  
11 objectives enumerated in section -1.

12           (c) If the counties do not amend the statewide model codes  
13 within the two-year timeframe pursuant to subsection (a), the  
14 state building code shall become applicable as an interim county  
15 building code until the time that the county adopts its  
16 amendments."

17           SECTION 2. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$           or so much  
19 thereof as may be necessary for fiscal year 2007-2008 for the  
20 operations of the state building code council.

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





1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so much  
3 thereof as may be necessary for fiscal year 2007-2008 and the  
4 same sum or so much thereof as may be necessary for fiscal year  
5 2008-2009 for technical assistance services to the state  
6 building code council.

7 The sums appropriated shall be expended by the department  
8 of accounting and general services for the purposes of this Act.

9 SECTION 4. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun, before its effective date.

12 SECTION 5. This Act shall take effect on July 1, 2020.



S.B. NO. 795  
S.D. 2  
H.D. 1

**Report Title:**

State Building Code Council; Building Code and Design Standards

**Description:**

Creates a State Building Code Council. Establishes state building code and design standards. Appropriates funds. (SB795 HD1)

SB795 HD1 HMS 2007-3260

