

JAN 17 2007

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



1 commission shall be attached to the department of accounting and
2 general services for administrative purposes only.

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

- 7 (1) One county building official from each of the counties
8 of Kauai, Maui, and Hawaii and the city and county of
9 Honolulu, appointed by the mayor of each county;
- 10 (2) One member representing the state fire council;
- 11 (3) One member representing the state department of health
12 with significant experience in building mechanical and
13 sewage disposal systems;
- 14 (4) One member representing the department of labor and
15 industrial relations with significant experience in
16 fire safety;
- 17 (5) One member representing the Structural Engineers
18 Association of Hawaii;
- 19 (6) One member representing the American Institute of
20 Architects, Hawaii State Chapter; and
- 21 (7) The comptroller or the comptroller's designated
22 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 all of the commission members.

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

8 **§ -3 Executive director and executive assistant;**

9 **employees.** (a) The commission shall select an executive
10 director, who shall serve at the pleasure of the commission and
11 who shall have administrative abilities and expertise in
12 engineering or architecture, and an executive assistant, who
13 shall have experience in statutory and administrative rulemaking
14 processes. The positions of executive director and executive
15 assistant shall not be subject to chapter 76; provided that the
16 executive director and executive assistant shall be entitled to
17 any rights and benefits accorded to similarly employed state
18 employees. The salaries of the executive director and executive
19 assistant shall be determined by the commission.

20 (b) The commission may engage employees necessary to
21 perform its duties, including administrative personnel, as
22 provided by section 26-35.



1 § -4 **Authority and duties of the commission; state**

2 **building code.** (a) Any law to the contrary notwithstanding, by
3 December 31, 2008, the commission shall adopt a comprehensive,
4 uniform state building code through the rulemaking process set
5 forth in chapter 91.

6 (b) If the commission does not adopt the state building
7 code by December 31, 2008, then the latest editions of the codes
8 set forth in subsection (c)(1) to (2), together, shall
9 constitute the state building code.

10 (c) The state building code shall be based upon:

11 (1) The latest editions, as published by the International
12 Code Council, of:

13 (A) The International Building Code;

14 (B) The International Residential Code;

15 (C) The International Mechanical Code;

16 (2) The latest edition of the Uniform Plumbing Code, as
17 copyrighted and published by the International
18 Association of Plumbing and Mechanical Officials,
19 20001 Walnut Drive South, Walnut, California 91789-
20 2825, including its appendices; and

21 (3) Code provisions based upon nationally published codes
22 or standards that include but are not limited to fire,



1 elevator, electrical energy conservation standards for
2 building design and construction, private sewage
3 disposal, and hurricane resistive standards for one-
4 and two-family residential construction.

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

13 (e) The commission may appoint other committees to handle
14 investigative functions or provide technical expertise that may
15 include commissioners and other appropriate persons.

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

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

20 (2) Prohibit indigenous, pre-western contact, Hawaiian
21 architecture.



1 (g) Upon adoption of the state building code, the
2 commission shall review and adopt, for inclusion in the state
3 building code, new model building codes, as appropriate, within
4 eighteen months of their official published date.

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

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

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



1 (b) At any time prior to the adoption of the state
2 building code and from time to time after the adoption of the
3 state building code by the commission, any county may petition
4 the commission for an exemption from the state building code as
5 it applies within the petitioning county's jurisdiction. Any
6 county exemption shall be consistent with the minimum
7 performance standards of the state building code, promote the
8 health, safety, and welfare of the occupants or users of
9 buildings and structures and the general public, and shall be
10 subject to the approval of a majority of the members of the
11 commission."

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$, or so much
14 thereof as may be necessary for fiscal year 2007-2008, and the
15 same sum, or so much thereof as may be necessary for fiscal year
16 2008-2009, for the operations of the state building code
17 commission and any technical assistance services and technical
18 assistance grants provided by the commission to the city and
19 county of Honolulu, the county of Hawaii, the county of Kauai,
20 and the county of Maui.

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

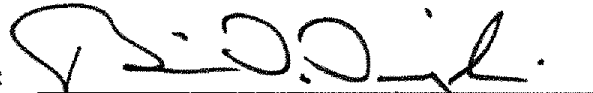


1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 5. This Act shall take effect on July 1, 2007.

5

INTRODUCED BY:


By Request



Report Title:

State Building Code

Description:

Establishes state building code commission tasked with the adoption of a uniform state building code.

