

S.B. NO. 2696

JAN 25 2012

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. Chapter 107, ~~part II~~, Hawaii Revised Statutes,
2 is amended by amending part II to read as follows:

3 **"PART II. STATE BUILDING CODE AND DESIGN STANDARDS**

4 ~~[[§107-21] Definitions. As used in this part:~~

5 ~~"Council" means the state building code council.~~

6 ~~"Department" means the department of accounting and general
7 services.~~

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

13 ~~"State building construction" means any building
14 construction project or program initiated by a state agency or
15 requiring the use of state funds.~~

16 ~~[[§107-22] State building code council. (a) There is
17 established a state building code council. The council shall be
18 placed within the department of accounting and general services~~

1 ~~for administrative purposes only. The council shall consist of~~
2 ~~nine voting members and one nonvoting member, who shall be the~~
3 ~~comptroller or the comptroller's designee. The council members~~
4 ~~shall serve four year terms as defined in paragraphs (1) to (6).~~

5 ~~The voting members shall include:~~

6 ~~(1) One county building official from each of the four~~
7 ~~counties appointed by the mayor;~~

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

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

12 ~~(4) One member representing the department of labor and~~
13 ~~industrial relations who has significant experience in~~
14 ~~elevator or fire safety;~~

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 ~~(b) Six voting members shall constitute a quorum. The~~
20 ~~chairperson of the council shall be elected annually from among~~
21 ~~its members by a majority vote of the members of the council.~~

1 ~~(c) Members shall serve without compensation, but shall be~~
2 ~~reimbursed for expenses, including travel expenses necessary for~~
3 ~~the performance of their duties.~~

4 ~~[\$107-23] Executive director and executive assistant. The~~
5 ~~council shall appoint, exempt from chapters 76 and 89, an~~
6 ~~executive director, who shall serve at the pleasure of the~~
7 ~~council, and who shall have administrative abilities and~~
8 ~~expertise in engineering or architecture. The council shall~~
9 ~~also appoint, exempt from chapters 76 and 89, an executive~~
10 ~~assistant, who shall have experience in statutory and~~
11 ~~administrative rulemaking processes.~~

12 ~~[\$107-24] Authority and duties of the council. (a) Any~~
13 ~~law to the contrary notwithstanding, the council shall establish~~
14 ~~a comprehensive state building code.~~

15 ~~(b) The council shall appoint a subcommittee comprised of~~
16 ~~the four council members representing county building officials,~~
17 ~~whose duty shall be to recommend any necessary or desirable~~
18 ~~state amendments to the model codes. Any recommended state~~
19 ~~amendments shall require the unanimous agreement of the~~
20 ~~subcommittee.~~

21 ~~(c) The council may appoint other investigative, technical~~
22 ~~expertise committees, which may include council members.~~

1 ~~(d) The council shall consult with general building~~
2 ~~contractor associations and building trade associations to~~
3 ~~gather information and recommendations on construction practices~~
4 ~~and training relevant to building codes and standards.~~

5 ~~(e) The council shall review and adopt, as appropriate,~~
6 ~~new model building codes within eighteen months of the official~~
7 ~~publication date.~~

8 ~~(f) The council may make expenditures for technical~~
9 ~~references, equipment and supplies, and other operating~~
10 ~~expenses, and may contract for the conduct of research studies~~
11 ~~and other technical services.~~

12 ~~(g) The council shall provide education and technical~~
13 ~~training and administrative assistance in the form of services~~
14 ~~or grants at the state and county levels relating to the~~
15 ~~implementation and enforcement of the state building code~~
16 ~~adopted pursuant to this part.]~~

17 [~~§~~107-25[~~§~~] **State building code; requirements.** There is
18 established a state building code applicable to all construction
19 in the State of Hawaii. The state building code shall include:

20 (1) The latest edition of the state fire code as adopted
21 by the state fire council;

S .B. NO. 2696

- 1 (2) The latest edition of the Uniform Plumbing Code, as
2 copyrighted and published by the International
3 Association of Plumbing and Mechanical Officials,
4 including its appendices; and
- 5 (3) The latest edition of the International Building Code,
6 International Residential Code, and the International
7 Energy Conservation Code as published by the
8 International Code Council[~~7~~
- 9 ~~(4) Hawaii design standards implementing the criteria~~
10 ~~pursuant to Act 5, Special Session Laws of Hawaii,~~
11 ~~2005, as applicable to:~~
- 12 ~~(A) Emergency shelters built to comply with hurricane~~
13 ~~resistant criteria, including enhanced hurricane~~
14 ~~protection areas capable of withstanding a five~~
15 ~~hundred-year hurricane event as well as other~~
16 ~~storms and natural hazards; and~~
- 17 ~~(B) Essential government facilities requiring~~
18 ~~continuity of operations; and~~
- 19 ~~(5) Code provisions based on nationally published codes or~~
20 ~~standards that include, but are not limited to,~~
21 ~~residential and hurricane resistive standards for~~
22 ~~residential construction, fire, elevator, electrical,~~

S .B. NO. 2696

1 plumbing, mechanical, flood and tsunami, existing
2 buildings, and energy conservation standards for
3 building design and construction, and onsite sewage
4 disposal].

5 ~~[\$107-26] State building code; prohibitions.~~ In adopting
6 a state building code, the council shall not adopt provisions
7 that:

- 8 (1) ~~Relate to administrative, permitting, or enforcement~~
9 ~~and inspection procedures of each county; or~~
10 (2) ~~Conflict with chapter 464.~~

11 ~~[\$107-27] Exemptions.~~ (a) ~~Upon adoption of rules under~~
12 ~~this chapter, the design of all state building construction~~
13 ~~shall be in compliance with the state building code within one~~
14 ~~year of its effective date, and state building construction~~
15 ~~shall be allowed to be exempted from:~~

- 16 (1) ~~County codes that have not adopted the state building~~
17 ~~code;~~
18 (2) ~~Any county code amendments that are inconsistent with~~
19 ~~the minimum performance objectives of the state~~
20 ~~building code or the objectives enumerated in this~~
21 ~~part; or~~

1 ~~(3) Any county code amendments that are contrary to code~~
2 ~~amendments adopted by another county.~~

3 ~~(b) Exemptions shall include county ordinances allowing~~
4 ~~the exercise of indigenous Hawaiian architecture adopted in~~
5 ~~accordance with section 46-1.55.]~~

6 [+]§107-28[+] **County building code authority to amend the**
7 **state model building code without state approval.** (a) For any
8 state building code adopted by the state building code council
9 prior to July 1, 2012:

10 (1) The governing body of each county shall amend the
11 state building code as it applies within its
12 respective jurisdiction, in accordance with
13 section 46-1.5(13), without approval of the
14 council. Each county shall use the model codes
15 and standards listed in section 107-25, as the
16 referenced model building codes and standards for
17 its respective county building code ordinance, no
18 later than two years after the adoption of the
19 state building code.

20 [~~b~~] (2) If a county does not amend the statewide model
21 code within the two-year timeframe, the state
22 building code shall become applicable as an

S .B. NO. 2696

1 interim county building code until the county
2 adopts the amendments.

3 (b) For any state building code adopted by the state
4 building code council on or subsequent to July 1, 2012:

5 (1) The governing body of each county shall amend or
6 opt out of the adoption of the state building
7 code as it applies within its respective
8 jurisdiction. Each county shall use the model
9 codes and standards listed in section 107-25, as
10 the referenced model building codes and standards
11 for its respective county building code
12 ordinance, no later than two years after the
13 publication date of the latest versions of the
14 national building codes identified in section
15 107-25 unless the county opts out of adopting the
16 state building code.

17 (2) If a county does not amend the statewide model
18 code within the two-year timeframe, the state
19 building code shall become applicable as an
20 interim county building code until the county
21 adopts the state building code or opts out of
22 adoption.

S .B. NO. 2696

Report Title:

State Building Code

Description:

Abolishes the State Building Code Council, provides for a transition from the current to the new proposed law, and requires the counties to adopt building codes with their revisions or opt out of adoption.

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

JUSTIFICATION SHEET

DEPARTMENT: Accounting and General Services

TITLE: A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE.

PURPOSE: The purposes of this bill are to abolish the State Building Code Council, to increase the building code authority of the counties by allowing adoption of international building codes with or without amendment, and allowing the counties to opt out of building code adoption if they so choose making way for automatic adoption of international building codes within two years of publication date of the latest version of the model building codes identified in section 107-25, Hawaii Revised Statutes.

MEANS: Amend Part II of chapter 107, Hawaii Revised Statutes.

JUSTIFICATION: Since the creation of the State Building Code Council (the Council), the Council has not received funding although Act 82, Session Laws of Hawaii 2007 (the Act), provided \$250,000 (from the Hurricane Relief Fund) in funding and the identification of two staff (Executive Director and Executive Assistant).

Because the Council has not received funding, it cannot achieve its statutory objective of adopting model building codes within 18 months of publication of the latest versions. Under the Act, it is necessary to adopt administrative rules for amendments made to the model codes that have been compiled by nationally recognized organizations such as the International Code Council, which incorporates input from the design professionals and the building industry. Currently, there is no staff or funding to coordinate the efforts to review the latest versions of the model building

codes, provide travel for neighbor island building officials (Council members by statute), provide for training for county and state building officials and members of the public affected by new building codes, and the preparation and oversight of adopting new or revised administrative rules.

The proposed revision identifies the state fire and national model building codes and adopts them without amendment, at publication date, as the state building code and eliminates the 18 month State adoption period. The counties are provided the opportunity to make their own revisions within the two-year period currently provided for in section 107-28, Hawaii Revised Statutes. The proposed revisions shorten the adoption period by almost half the time and reduces bureaucracy by eliminating the State Building Code Council and the need for additional administrative rules. Additionally, the proposed legislation shortens the state adoption time of national building codes enhancing public safety.

Impact on the Public: Benefits the public through the quicker adoption of the basic model building codes by eliminating the 18 month State adoption period. Currently of the four building model building codes, four with 2006 editions and one a 2008 edition, only the International Energy Code has been adopted by the counties. The counties have yet to adopt the International Building Code, National Electrical Code, Uniform Plumbing Code, and the State Fire Code. The counties are quickly approaching their two year mandatory adoption deadline (which range from January 2012 to April 2012).

Impact on the Department and other Agencies: This bill will allow the department's fiscal office to focus on its core responsibilities by eliminating the overhead of administering

an unfounded Council whose objectives are county responsibilities (adoption and administration of building codes).

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: AGS-901

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2012