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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. Section 107-22, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:
- 3 "(a) There is established a state building code council.  
4 The council shall be placed within the department of accounting  
5 and general services for administrative purposes only. The  
6 council shall consist of nine voting members [~~and one nonvoting~~  
7 ~~member, who shall be the comptroller or the comptroller's~~  
8 ~~designee~~]. The council members shall serve four-year terms as  
9 defined in paragraphs (1) to (6). The voting members shall  
10 include:
- 11 (1) One county building official from each of the four  
12 counties appointed by the mayor;
- 13 (2) One member representing the state fire council;
- 14 (3) One member representing the department of [health]  
15 business, economic development, and tourism who has

- 1 significant experience in building [~~mechanical and~~  
2 ~~sewage disposal systems,~~] codes;
- 3 (4) One member representing the department of [~~labor and~~  
4 ~~industrial relations who has significant experience in~~  
5 ~~elevator or fire safety,~~] accounting and general  
6 services who has significant experience in building  
7 design;
- 8 (5) One member representing the Structural Engineers  
9 Association of Hawaii; and
- 10 (6) One member representing the American Institute of  
11 Architects, Hawaii State Council."

12 SECTION 2. Section 107-24, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[+]§107-24[+] **Authority and duties of the council.** (a)  
15 Any law to the contrary notwithstanding, the council shall  
16 establish a recommended comprehensive model state building  
17 code[-] that shall be a part of a loss reduction plan that  
18 complies with the development of loss mitigation standards in  
19 accordance with section 431P-12.

20 (b) The council shall [~~appoint a subcommittee comprised of~~  
21 ~~the four council members representing county building officials,~~  
22 ~~whose duty shall be to~~] recommend any necessary or desirable  
23 state amendments to the model codes [~~Any recommended state~~

1 ~~amendments shall require the unanimous agreement of the~~  
2 ~~subcommittee.]~~ and standards identified in section 107-25, and  
3 shall designate the staggering of the adoption of the codes and  
4 standards to be adopted, amended, and updated at a frequency of  
5 no later than every six years in accordance with section 107-28.

6 (c) The council may appoint other investigative, technical  
7 expertise committees, which may include council members.

8 (d) The council shall consult with ~~[general]~~ building  
9 contractor associations and building trade associations to  
10 gather information and recommendations on construction practices  
11 and training relevant to building codes and standards.

12 (e) The council shall review the codes and standards  
13 identified in section 107-25 and adopt ~~[7]~~ recommended state  
14 amendments, as appropriate, ~~[new model building codes]~~ pursuant  
15 to section 107-24(b), within eighteen months of the official  
16 publication date ~~[7]~~ of the respective code or standard. At  
17 least every two years, the council shall disseminate an itemized  
18 report of the substantially uniform code amendments utilized by  
19 at least three counties.

20 (f) The council may make expenditures for technical  
21 references, equipment and supplies, and other operating  
22 expenses, and may contract for the conduct of research studies  
23 and other technical services.

1 (g) The council ~~[shall]~~ may provide education and  
2 technical training and administrative assistance in the form of  
3 services or grants at the state and county levels relating to  
4 the implementation and enforcement of the state building code  
5 ~~[adopted pursuant to this part.]~~ and loss mitigation standards  
6 in accordance with section 431P-12."

7 SECTION 3. Section 107-25, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[+] §107-25 [+] ~~[State]~~ Hawaii state building code;  
10 requirements. There is established a Hawaii state building code  
11 applicable to all construction in the State of Hawaii. The  
12 Hawaii state building code shall include[+] the following codes  
13 as amended by the substantially uniform amendments utilized by  
14 at least three counties:

- 15 (1) The ~~[latest edition of the]~~ state fire code as adopted  
16 by the state fire council;
- 17 (2) The ~~[latest edition of the]~~ Uniform Plumbing Code, as  
18 copyrighted and published by the International  
19 Association of Plumbing and Mechanical Officials,  
20 including its appendices;
- 21 (3) The ~~[latest edition of the]~~ International Building

1 Code, the International Residential Code, and the  
2 International Energy Conservation Code, as published  
3 by the International Code Council;

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

6 ~~[(4)]~~ (5) Hawaii design standards implementing the criteria  
7 pursuant to Act 5, Special Session Laws of Hawaii,  
8 2005, as applicable to:

9 (A) Emergency shelters built to comply with hurricane  
10 resistant criteria, including enhanced hurricane  
11 protection areas capable of withstanding a five  
12 hundred year hurricane event as well as other  
13 storms and natural hazards; and

14 (B) Essential government facilities requiring  
15 continuity of operations; and

16 ~~[(5)]~~ (6) Code provisions based on nationally published  
17 codes or standards that include, but are not limited  
18 to, residential and hurricane resistive standards for  
19 residential construction, ~~[fire,~~ elevator,  
20 ~~[electrical, plumbing,~~ mechanical, flood and tsunami,  
21 and existing buildings ~~[, and energy conservation~~  
22 ~~standards for building design and construction, and~~  
23 ~~onsite sewage disposal]."~~

1 SECTION 4. Section 107-27, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+] §107-27 [+] ~~[Exemptions.]~~ Design of state buildings.

4 (a) Upon adoption of ~~[rules]~~ substantially uniform code  
5 amendments by at least three counties under ~~[this chapter,]~~  
6 section 107-28, and as reported by the council under section  
7 107-24(e), the design of all state building construction shall  
8 be in compliance with the Hawaii state building code within one  
9 year ~~[of its effective date, and],~~ except that state building  
10 construction shall be allowed to be exempted from[+]

11 ~~(1) County codes that have not adopted the state~~  
12 ~~building code,~~

13 ~~(2) Any] any~~ county code amendments that are  
14 inconsistent with the minimum performance objectives  
15 of the Hawaii state building code or the objectives  
16 enumerated in this part ~~[, or~~

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

19 ~~(b) Exemptions shall include county ordinances allowing~~  
20 ~~the exercise of indigenous Hawaiian architecture adopted in~~  
21 ~~accordance with section 46-1.55]."~~

22 SECTION 5. Section 107-28, Hawaii Revised Statutes, is  
23 amended to read as follows:

1           " ~~[+] §107-28 [±]~~ County building code authority to amend and  
2 adopt the state model building ~~[eede]~~ codes without state  
3 approval. (a) The governing body of each county shall amend,  
4 adopt, and update the model state building code as it applies  
5 within its respective jurisdiction, in accordance with section  
6 46-1.5(13), without approval of the council. Each county shall  
7 ~~[use]~~ amend and adopt the model state codes and standards listed  
8 in section 107-25, as the referenced model building codes and  
9 standards for its respective county building code ordinance, no  
10 later than two years after the adoption of ~~[the state building~~  
11 ~~eede.]~~ each of the model codes by the state building code  
12 council pursuant to section 107-24.

13           (b) If a county does not amend the ~~[statewide]~~ model  
14 ~~[eede]~~ state codes and standards within the two-year time frame,  
15 the model state building ~~[eede]~~ codes defined in section 107-  
16 24(e) shall become applicable as an interim county building code  
17 until the county adopts ~~[the]~~ its amendments."

18           SECTION 6. Section 107-29, Hawaii Revised Statutes, is  
19 amended to read as follows:

20           " ~~[+] §107-29 [±]~~ **Rules.** The department shall adopt rules  
21 pursuant to chapter 91 as may be necessary for the purposes of  
22 defining the Hawaii state building code to consist of the codes  
23 and standards identified in section 107-25 and any substantially

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1 uniform amendments adopted by at least three counties in  
2 accordance with this part."

3 SECTION 7. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 8. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act, upon its approval, shall take effect  
9 on July 1, 2013.

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INTRODUCED BY:



12

BY REQUEST

13

JAN 22 2013



# H.B. NO. 763

**Report Title:**

Hawaii State Building Code

**Description:**

Modifies the composition of the Hawaii State Building Code Council and revises the State Building Code. Effective July 1, 2013.

*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 purpose of this bill is to streamline the State Building Code Council (Council) process to achieve:

- (1) Greater optimization of the Council to emphasize membership requiring more comprehensive and direct knowledge of building design and codes;
- (2) A more efficient and practical adoption process for relevant design codes and standards by integrating the adopted county codes into the standards that constitute the state building codes;
- (3) Greater discretion by the Council in selecting the periodicity of code updates, to avoid constant changes; and
- (4) Elimination of the need for continual updates of state administrative rules pursuant to chapter 91, Hawaii Revised Statutes (HRS), for a multitude of codes.

MEANS: Amend sections 107-22(a), 107-24, 107-25, 107-27, 107-28, and 107-29, HRS.

JUSTIFICATION: The Council seeks to reduce the expense and effort of maintaining up-to-date state design standards, without sacrificing the integrity of the process that creates uniformity of design standards.

Impact on the public: The proposed bill will eliminate the time currently required for the Council to process administrative rules for new versions of the model building codes that are adopted. The time saved could be between one and two years. Additionally, the administrative rule-making process is duplicative with the public hearing process counties use to adopt their

ordinances. The outcome is that the counties will receive proposed amendments to new versions of the model building codes at least a year to two years earlier and be able to adopt ordinances that much quicker.

Impact on the department and other agencies:

The proposed membership in the Council better reflects the requirements for the Council to be effective. The elimination of representation from the Departments of Labor and Industrial Relations and of Health and replacing them with membership from the Departments of Business, Economic Development, and Tourism and of Accounting and General Services helps provide technical expertise in energy conservation and building design.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION:

OTHER AFFECTED  
AGENCIES: Department of Business, Economic  
Development, and Tourism, Department of  
Health, and Department of Labor and  
Industrial Relations.

EFFECTIVE DATE: July 1, 2013.