

JAN 15 2014

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. The state building code council was created in
2 2007, to review and adopt a comprehensive suite of the latest
3 editions of nationally recognized building codes and standards
4 for the State of Hawaii. The staff and operating expenses of
5 the council have never been funded, thereby limiting the
6 effectiveness of the work of the nine voting members, who are
7 state and county government regulators and private stakeholders.
8 This Act adds building industry and trade representatives to the
9 council membership, allows for the staggering of the code
10 adoption time frame, defines and clarifies terminology, ensures
11 that the laws governing building contractors do not conflict
12 with the Hawaii state building codes, and makes an appropriation
13 to fund the operations of the council.

14 SECTION 2. Section 107-21, Hawaii Revised Statutes, is
15 amended to read as follows:

16 1. By adding two new definitions to be appropriately
17 inserted and to read:



1 "Codes and standards" means nationally recognized minimum
2 requirements for design and construction to safeguard life,
3 property, and the general welfare.

4 "Hawaii state building codes" means the building codes and
5 standards that the state building code council adopts under
6 section 107-24."

7 2. By amending the definition of "hurricane resistive
8 criteria" to read:

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

14 SECTION 3. Section 107-22, Hawaii Revised Statutes, is
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) There is established a state building code council.
17 The council shall be placed within the department of accounting
18 and general services for administrative purposes only. The
19 council shall consist of [~~nine~~ eleven] voting members and one
20 nonvoting member, who shall be the comptroller or the
21 comptroller's designee. The council members shall serve four-



1 year terms as defined in paragraphs (1) to ~~[(6)-]~~ (8). The
2 voting members shall include:

3 (1) One county building official from each of the four
4 counties appointed by the mayor;

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

6 ~~[(3) One member representing the department of health who~~
7 ~~has significant experience in building mechanical and~~
8 ~~sewage disposal systems;~~

9 ~~-(4)-]~~ (3) One member representing the department of labor
10 and industrial relations who has significant
11 experience in elevator ~~[or fire]~~ safety;

12 (4) One member representing the Hawaii state energy office
13 of the department of business, economic development,
14 and tourism;

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 (7) One member representing the Building Industry
20 Association of Hawaii or the General Contractors
21 Association of Hawaii who has significant experience
22 with building codes; and



1 (8) One member representing the Subcontractors Association
2 of Hawaii who has significant experience with building
3 codes.

4 (b) [~~Six~~] Seven voting members shall constitute a quorum.
5 The chairperson of the council shall be elected annually from
6 among its members by a majority vote of the members of the
7 council."

8 SECTION 4. Section 107-23, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[+]§107-23[+]~~ **Executive director and executive assistant.**

11 (a) The council shall appoint, exempt from chapters 76 and 89,
12 an executive director, who shall serve at the pleasure of the
13 council, and who shall have administrative abilities and
14 [~~expertise in engineering or architecture.~~] experience with the
15 building industry. The council shall also appoint, exempt from
16 chapters 76 and 89, an executive assistant, who shall have
17 experience in statutory and administrative rulemaking
18 processes~~[+]~~ to assist in carrying out the duties of the council
19 under section 107-24. Other staff personnel may be appointed,
20 but shall not be exempt from chapters 76 and 89.

21 (b) The budgetary requirements for conducting meetings,
22 training, travel, and other related functions of the council,



1 including salaries of the executive director, executive
2 assistant, and other staff personnel, shall be included in the
3 budget of the department of accounting and general services."

4 SECTION 5. Section 107-24, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~f~~]\$107-24[~~f~~] **Authority and duties of the council.** (a)

7 Any law to the contrary notwithstanding, the council shall
8 establish [~~a comprehensive~~] the Hawaii state building [~~code.~~]
9 codes.

10 (b) The council shall appoint a subcommittee comprised of
11 the four council members representing county building officials,
12 whose duty shall be to recommend any necessary or desirable
13 state amendments to the [~~model~~] codes[-] and standards
14 identified in section 107-25. Any recommended state amendments
15 shall require the unanimous agreement of the subcommittee. The
16 council shall designate the staggering of the codes and
17 standards to be adopted, amended, and updated. The frequency of
18 the adoption of any code or standard shall not exceed every six
19 years. Any recommended staggering of adoptions shall be based
20 on a review and evaluation of the utility of each code and
21 standard identified in section 107-25 when each edition is
22 published.



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

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

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

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

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

19 (g) At the close of each fiscal year, the council shall
20 make a written report to the governor on its activities,
21 including the codes and standards established by the council."



1 SECTION 6. Section 107-25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§107-25[+] [~~State~~] Hawaii state building [~~code~~;
4 codes; requirements. There [~~is~~] are established [~~a~~] the Hawaii
5 state building [~~code~~] codes applicable to all construction in
6 the State of Hawaii. The Hawaii state building [~~code~~] codes
7 shall [~~include~~] be based upon:

- 8 (1) The [~~latest edition of the~~] state fire code as adopted
9 by the state fire 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) The [~~latest edition of the~~] International Building
15 Code, the International Residential Code, and the
16 International Energy Conservation Code, as published
17 by the International Code Council;
- 18 (4) The National Electrical Code, as published by the
19 National Fire Protection Association;
- 20 [+4+] (5) Hawaii design standards implementing the criteria
21 pursuant to Act 5, Special Session Laws of Hawaii[7]
22 2005, as applicable to:



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1 (A) Emergency shelters built to comply with hurricane
2 resistant criteria, including enhanced hurricane
3 protection areas capable of withstanding a five
4 hundred-year hurricane event as well as other
5 storms and natural hazards; and

6 (B) Essential government facilities requiring
7 continuity of operations; and

8 ~~[-5-]~~ (6) Code provisions based on nationally published
9 codes or standards that include~~[-]~~ but are not limited
10 to~~[-]~~ residential and hurricane ~~[resistive]~~ resistant
11 standards related to loss mitigation standards in
12 accordance with section 431P-12, [for residential
13 construction, fire, elevator, ~~[electrical, plumbing,~~
14 mechanical, flood and tsunami, existing buildings,
15 ~~[and energy conservation standards for building design~~
16 ~~and construction,~~] and onsite sewage disposal."

17 SECTION 7. Section 107-26, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~+~~]**§107-26[~~+~~]** **State building code; prohibitions.** In
20 adopting ~~[a]~~ the Hawaii state building ~~[code,~~ codes, the
21 council shall not adopt provisions that:



- 1 (1) Relate to administrative, permitting, or enforcement
- 2 and inspection procedures of each county; or
- 3 (2) Conflict with [~~chapter~~] chapters 444 and 464."

4 SECTION 8. Section 107-27, Hawaii Revised Statutes, is
 5 amended by amending its title and subsection (a) to read as
 6 follows:

7 "[~~§~~107-27[~~] Exemptions.~~] Design of state buildings. (a)
 8 [~~Upon~~] No later than one year after adoption of rules under this
 9 chapter, the design of all state building construction shall be
 10 in compliance with the Hawaii state building [~~code within one~~
 11 ~~year of its effective date, and~~] codes, except that state
 12 building construction shall be allowed to be exempted from:

- 13 (1) County codes that have not adopted the Hawaii state
- 14 building [~~code,~~] codes;
- 15 (2) Any county code amendments that are inconsistent with
- 16 the minimum performance objectives of the Hawaii state
- 17 building [~~code~~] codes or the objectives enumerated in
- 18 this part; or
- 19 (3) Any county code amendments that are contrary to code
- 20 amendments adopted by another county."

21 SECTION 9. Section 107-28, Hawaii Revised Statutes, is
 22 amended to read as follows:

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

13 (b) If a county does not amend the ~~[statewide model code]~~
14 Hawaii state building codes within the two-year time frame, the
15 Hawaii state building ~~[code]~~ codes shall become applicable as an
16 interim county building code ~~[until the county adopts the~~
17 ~~amendments]~~."

18 SECTION 10. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$250,000 or so much
20 thereof as may be necessary for fiscal year 2014-2015 for the
21 operations of the state building code council, including



1 salaries for staff personnel, training, travel, and technical
2 assistance services.

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

5 SECTION 11. This Act does not affect rights and duties
6 that matured, penalties that were incurred, and proceedings that
7 were begun before its effective date.

8 SECTION 12. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 13. This Act shall take effect on July 1, 2014.

11

INTRODUCED BY:


BY REQUEST



S.B. NO. 2092

Report Title:

State Fire Council Package; Hawaii State Building Code Council; Appropriation

Description:

Modifies the composition of the Hawaii state building code council. Requires the council to report annually to the governor on its activities. Allows for the staggering of the code adoption time frame. Defines and clarifies terminology. Requires that the Hawaii state building codes do not conflict with the laws governing building contractors. Appropriates funds for FY 2014-2015 for the operations of the council.

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