

JAN 17 2014

S.B. NO. 2581

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 legislature finds that the state building
2 code council was created in 2007 to review and adopt current,
3 nationally recognized building codes and standards for the
4 State. However, the staff and operating expenses of the council
5 have never been funded, thereby limiting the effectiveness of
6 the work of the nine voting members.

7 The purpose of this Act is to add building industry and
8 trade representatives to the council membership, allow
9 staggering of the code adoption, define and clarify terminology,
10 ensure the laws governing building contractors do not conflict
11 with part II, chapter 107, Hawaii Revised Statutes, and
12 appropriate funds to the department of accounting and general
13 services for the council's operating costs.

14 SECTION 2. Section 107-21 Hawaii Revised Statutes, is
15 amended 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 that shall be met for design and construction to
3 safeguard life, 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 design
10 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)~~]. The voting
2 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 state energy office of the
13 department of business, economic development, and
14 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'
2 Association of Hawaii who has significant experience
3 with building codes.

4 (b) [~~Si*~~] 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 may be appointed but shall
20 not be exempt from chapters 76 and 89.

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

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

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

6 **"[+]§107-24[+] 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.

16 (c) The council shall designate the staggering of the
17 adoption of the codes and standards to be adopted, amended, and
18 updated. The frequency of the adoption of any code or standard
19 shall not exceed every six years. Any recommended staggering of
20 adoptions shall be based on a review and evaluation of the
21 utility of each code and standard identified in section 107-25
22 when each edition is published.



1 ~~[(e)]~~ (d) The council may appoint other investigative,
2 technical expertise committees, which may include council
3 members.

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

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

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

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

20 (i) At the end of each fiscal year, the council shall make
21 a written report to the governor on the council's activities,
22 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 codes~~;~~ codes;
4 **requirements.** There is established [a] the Hawaii state
5 building ~~code~~ codes applicable to all construction in the
6 State of Hawaii. The Hawaii state building ~~code~~ codes shall
7 ~~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 ~~{}~~ (5) Hawaii design standards implementing the criteria
21 pursuant to Act 5, Special Session Laws of Hawaii,
22 2005, as applicable to:



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~~[7]~~ but are not limited
 10 to~~[7]~~ residential and hurricane ~~[resistive]~~ resistant
 11 standards ~~[for residential construction, fire,]~~
 12 related to loss mitigation standards in accordance
 13 with section 431P-12, elevator, ~~[electrical,~~
 14 ~~plumbing,~~ mechanical, flood and tsunami, existing
 15 buildings, ~~[and energy conservation standards for~~
 16 ~~building design and construction,~~] and onsite sewage
 17 disposal."

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

20 "~~[+]§107-26[+]~~ **State building code; prohibitions.** In
 21 adopting ~~[a]~~ the Hawaii state building ~~[code,~~ codes, the
 22 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 the adoption of rules under
9 this chapter, the design of all state building construction
10 shall be in compliance with the Hawaii state building ~~[code~~
11 ~~within one year of its effective date, and]~~ codes, except 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]~~ they apply within ~~[its]~~ their
6 respective jurisdiction, in accordance with section 46-1.5(13),
7 without approval of the council. Each county shall ~~[use]~~ amend
8 and adopt the ~~[model]~~ Hawaii state building codes and standards
9 listed in section 107-25, as the referenced ~~[model]~~ Hawaii state
10 building codes and standards for its respective county building
11 code ordinance, no later than two years after the adoption of
12 ~~[the]~~ each Hawaii 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 state building code council and staff to carry out their duties
22 and functions, including operating costs and staff salaries.



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

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

6 SECTION 12. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9

INTRODUCED BY: Will Eyo







S.B. NO. 2581

Report Title:

Hawaii State Building Code Council; Appropriation

Description:

Modifies the composition, quorum, and duties of the Hawaii State Building Code Council and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions. Ensures laws governing building contractors do not conflict with chapter 107, HRS. Appropriates funds to department of accounting and general services for council's operating costs, including staff salaries.

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

