
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 voting members.

7 The purpose of this Act is to refine and clarify provisions
8 relating to the state building code council and the adoption of
9 Hawaii state building codes and standards, by among other
10 things, adding building industry and trade representatives to
11 the council membership, allowing staggering of the code
12 adoption, defining and clarifying terminology, ensuring that no
13 code provisions that conflict with the laws governing
14 contractors are adopted, and appropriating funds to the
15 department of accounting and general services for the council's
16 operating costs.

17 SECTION 2. Section 107-21, Hawaii Revised Statutes, is
18 amended as follows:

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

3 "Codes and standards" means nationally recognized minimum
4 requirements that shall be met for design and construction to
5 safeguard life, property, and the general welfare.

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

9 2. By amending the definition of "hurricane resistive
10 criteria" to read:

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

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

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

1 comptroller's designee. The council members shall serve four-
2 year terms [~~as defined in paragraphs (1) to (6)~~]. The voting
3 members shall include:

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

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

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

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

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

16 (5) One member representing the Structural Engineers
17 Association of Hawaii; [~~and~~]

18 (6) One member representing the American Institute of
19 Architects, Hawaii State Council[~~-~~];

20 (7) One member representing the Building Industry
21 Association of Hawaii or the General Contractors



1 Association of Hawaii, who has significant experience
2 with building codes; and

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

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

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

12 " ~~[+]§107-23[+]~~ **Executive director and executive**
13 **assistant ~~[-]~~; council budget.** (a) The council shall appoint,
14 exempt from chapters 76 and 89, an executive director, who shall
15 serve at the pleasure of the council, and who shall have
16 administrative abilities and [~~expertise in engineering or~~
17 ~~architecture.~~] experience with the building industry. The
18 council shall also appoint, exempt from chapters 76 and 89, an
19 executive assistant, who shall have experience in statutory and
20 administrative rulemaking processes~~[-]~~ to assist in carrying out
21 the duties of the council under section 107-24. The council may
22 appoint other staff who shall be subject to chapters 76 and 89.



1 (b) The budgetary requirements for conducting meetings,
2 training, travel, and other related responsibilities of the
3 council, including salaries of the executive director, executive
4 assistant, and other staff, shall be included in the budget of
5 the department of accounting and general services."

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

8 "~~§~~**107-24** **Authority and duties of the council.** (a)
9 Any law to the contrary notwithstanding, the council shall
10 establish ~~[a comprehensive]~~ the Hawaii state building ~~[code-]~~
11 codes.

12 (b) The council shall appoint a subcommittee ~~[comprised~~
13 ~~e]~~ comprising the four council members representing county
14 building officials, whose duty shall be to recommend any
15 necessary or desirable state amendments to the ~~[model]~~ codes~~[-]~~
16 and standards identified in section 107-25. Any recommended
17 state amendments shall require the unanimous agreement of the
18 subcommittee. The council may adopt, amend, or update codes and
19 standards pursuant to a staggered schedule established by the
20 council, provided that the frequency of such adoption,
21 amendment, or updating shall occur at least every six years and
22 shall in addition be based on review and evaluation of the



1 utility of the latest edition of the codes and standards
2 identified in section 107-25, conducted upon their respective
3 publication.

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

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

10 (e) The council shall review and adopt, as appropriate,
11 new model building codes within eighteen months of the official
12 publication date.

13 (f) The council may make expenditures for technical
14 references, equipment and supplies, and other operating
15 expenses, and may contract for the conduct of research studies
16 and other technical services.

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



1 (h) At the end of each fiscal year, the council shall
2 submit a written report to the governor on the council's
3 activities, including the codes and standards adopted, amended,
4 or updated by the council."

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

7 "~~{}~~\$107-25~~{}~~ ~~State~~ Hawaii state building ~~[code,]~~ codes;
8 requirements. There is established [a] the Hawaii state
9 building ~~[code]~~ codes applicable to all construction in the
10 State of Hawaii. The Hawaii state building ~~[code]~~ codes shall
11 ~~[include:]~~ be based upon:

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

- 1 (4) The National Electrical Code, as published by the
2 National Fire Protection Association;
- 3 [~~4~~] (5) Hawaii design standards implementing the criteria
4 pursuant to Act 5, Special Session Laws of Hawaii,
5 2005, as applicable to:
- 6 (A) Emergency shelters built to comply with hurricane
7 resistant criteria, including enhanced hurricane
8 protection areas capable of withstanding a five
9 hundred-year hurricane event as well as other
10 storms and natural hazards; and
- 11 (B) Essential government facilities requiring
12 continuity of operations; and
- 13 [~~5~~] (6) Code provisions based on nationally published
14 codes or standards that include~~[7]~~ but are not limited
15 to~~[7]~~ residential and hurricane [~~resistive~~] resistant
16 standards [~~for residential construction, fire,~~
17 related to loss mitigation standards in accordance
18 with section 431P-12, elevator, [electrical,
19 ~~plumbing,~~] mechanical, flood and tsunami, existing
20 buildings, [~~and energy conservation standards for~~
21 ~~building design and construction,~~] and onsite sewage
22 disposal."



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

3 " ~~[+]§107-26[]—State]~~ Hawaii state building [eode,] codes;
4 prohibitions. In adopting [a] the Hawaii state building [eode,]
5 codes, the council shall not adopt provisions that:

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

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

12 " ~~[+]§107-27[]—Exemptions.]~~ Design of state buildings. (a)
13 [~~Upon~~] No later than one year after the adoption of rules under
14 this chapter, the design of all state building construction
15 shall be in compliance with the Hawaii state building [eode
16 ~~within one year of its effective date, and]~~ codes, except state
17 building construction shall be allowed to be exempted from:

- 18 (1) County codes that have not adopted the Hawaii state
19 building [eode,] codes;
- 20 (2) Any county code amendments that are inconsistent with
21 the minimum performance objectives of the Hawaii state

1 building ~~code~~ codes or the objectives enumerated in
2 this part; or

3 (3) Any county code amendments that are contrary to code
4 amendments adopted by another county."

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

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

19 (b) If a county does not amend the ~~statewide model code~~
20 Hawaii state building codes within the two-year time frame, the
21 Hawaii state building ~~code~~ codes shall become applicable as an

1 interim county building code [~~until the county adopts the~~
2 ~~amendments~~]."

3 SECTION 10. Section 132-3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§132-3 Adoption of state fire code.** The state fire
6 council shall, after public hearings pursuant to chapter 91,
7 adopt a state fire code setting forth minimum requirements
8 relative to the protection of persons and property from fire
9 loss including without limitation: (1) the storage, handling
10 and use of hazardous substances, materials and devices; and (2)
11 the control of conditions hazardous to life or property in the
12 design, use or occupancy of buildings and premises. The state
13 fire code shall become part of the Hawaii state building [~~code~~]
14 codes as provided in section 107-25. The state fire council
15 shall meet annually to review and amend the state fire code."

16 SECTION 11. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ _____ or so much
18 thereof as may be necessary for fiscal year 2014-2015 for the
19 state building code council and staff to carry out their duties
20 and functions, including operating costs and staff salaries.

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



1 SECTION 12. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 13. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 14. This Act shall take effect on July 1, 2112.



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. Prohibits the adoption of code provisions that conflict with laws governing contractors. Makes appropriation. Effective July 1, 2112. (SB2581 HD1)

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