

JAN 18 2013

A BILL FOR AN ACT

RELATING TO PUBLIC IMPROVEMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 107, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§107-A State building code special fund. (a) There is
5 created a state building code special fund, into which shall be
6 deposited all of the funds collected pursuant to section 107-B.
7 The state building code special fund shall be administered by
8 the state building code council.

9 (b) Moneys in the state building code special fund shall
10 be expended for costs associated with duties of the council
11 under section 107-24.

12 §107-B Building permit application charges. (a) There
13 shall be assessed and collected a non-residential building
14 permit application charge of \$10 on every building permit
15 application.

16 (b) There shall be assessed and collected a residential
17 building permit application charge of \$2 on every residential
18 unit included in a residential building permit application.



1 (c) Payment of the non-residential building permit
2 application charge or residential building permit application
3 charge, as applicable, shall be a prerequisite to issuance of a
4 building permit. Payment shall be remitted by the permit
5 applicant to the appropriate county agency or department by
6 electronic means or by other means as determined by the county.
7 The application for a county building permit surcharge shall
8 serve as prima facie evidence that the applicant has remitted
9 the surcharge.

10 (d) Proceeds from the building permit application charges
11 and surcharges shall be deposited into the state building code
12 special fund under section 107-A."

13 SECTION 2. Section 107-22, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

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



1 members shall serve four-year terms as defined in paragraphs (1)
2 to (6). The 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) One member representing the department of labor and
10 industrial relations who has significant experience in
11 elevator or fire safety;

12 (5) One member representing the Structural Engineers
13 Association of Hawaii; and

14 (6) One member representing the American Institute of
15 Architects, Hawaii State Council."

16 SECTION 3. All rights, powers, functions, and duties of
17 the department of accounting and general services relating to
18 the state building code council are transferred to the
19 department of commerce and consumer affairs.

20 All officers and employees whose functions are transferred
21 by this Act shall be transferred with their functions and shall



1 continue to perform their regular duties upon their transfer,
2 subject to the state personnel laws and this Act.

3 No officer or employee of the State having tenure shall
4 suffer any loss of salary, seniority, prior service credit,
5 vacation, sick leave, or other employee benefit or privilege as
6 a consequence of this Act, and such officer or employee may be
7 transferred or appointed to a civil service position without the
8 necessity of examination; provided that the officer or employee
9 possesses the minimum qualifications for the position to which
10 transferred or appointed; and provided that subsequent changes
11 in status may be made pursuant to applicable civil service and
12 compensation laws.

13 An officer or employee of the State who does not have
14 tenure and who may be transferred or appointed to a civil
15 service position as a consequence of this Act shall become a
16 civil service employee without the loss of salary, seniority,
17 prior service credit, vacation, sick leave, or other employee
18 benefits or privileges and without the necessity of examination;
19 provided that such officer or employee possesses the minimum
20 qualifications for the position to which transferred or
21 appointed.



1 If an office or position held by an officer or employee
2 having tenure is abolished, the officer or employee shall not
3 thereby be separated from public employment, but shall remain in
4 the employment of the State with the same pay and classification
5 and shall be transferred to some other office or position for
6 which the officer or employee is eligible under the personnel
7 laws of the State as determined by the head of the department or
8 the governor.

9 SECTION 4. All appropriations, records, equipment,
10 machines, files, supplies, contracts, books, papers, documents,
11 maps, and other personal property heretofore made, used,
12 acquired, or held by the department of accounting and general
13 services relating to the functions transferred to the department
14 of commerce and consumer affairs shall be transferred with the
15 functions to which they relate.

16 SECTION 5. All funding under the budget of the department
17 of accounting and general services relating to the state
18 building code council shall be transferred to the department of
19 commerce and consumer affairs for deposit into the state
20 building code special fund created under section 1 of this Act.

21 SECTION 6. In codifying the new sections added by section
22 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on July 1, 2013.

6

INTRODUCED BY: Will Espero



S.B. NO. 684

Report Title:

State Building Code; Building Permit Application Fees

Description:

Creates a non-residential building permit application charge and a residential building permit application charge. Creates a state building code special fund. Transfers jurisdiction over the state building code council from the department of budget and finance to the department of commerce and consumer affairs.

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

