



1 "State building construction" means any building  
2 construction project or program initiated by a state agency or  
3 requiring the use of state funds.

4 § -3 **State building code; establishment.** (a) The  
5 department of accounting and general services shall adopt rules  
6 pursuant to chapter 91 to establish a building code for state  
7 building construction.

8 (b) The design of all state building construction shall be  
9 in compliance with the state building code within one year of  
10 its effective date.

11 (c) The state building code shall include the latest  
12 edition of:

13 (1) The International Building Code, published by the  
14 International Code Council; and

15 (2) Hawaii design standards implementing the criteria  
16 developed by the department of defense pursuant to Act  
17 5, Special Session Laws of Hawaii 2005, applicable to  
18 emergency shelters built to comply with hurricane  
19 resistant criteria including enhanced hurricane  
20 protection areas capable of withstanding a five  
21 hundred-year hurricane event, and essential government  
22 facilities requiring continuity of operations; and



1           (3) Code provisions based on nationally published codes or  
2           standards that include but are not limited to  
3           residential and hurricane resistive standards for one-  
4           and two-family residential construction, fire,  
5           elevator, electrical, plumbing, mechanical, energy  
6           conservation standards for building design and  
7           construction, and private sewage disposal.

8           §   -4 **State building code council.** (a) There is hereby  
9           established a state building code council. The council shall be  
10          placed for administrative purposes in the department of  
11          accounting and general services.

12          (b) The council shall consist of nine voting members and  
13          one nonvoting member. The members shall include:

14          (1) One county building official from each of the four  
15          counties;

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

17          (3) One member representing the department of health who  
18          has significant experience in building mechanical and  
19          sewage disposal systems;

20          (4) One member representing the department of labor and  
21          industrial relations who has significant experience in  
22          fire safety;



1 (5) One member representing the Structural Engineers  
2 Association of Hawaii;

3 (6) One member representing the American Institute of  
4 Architects, Hawaii State Chapter; and

5 (7) The comptroller or the comptroller's designated  
6 representative who shall be a nonvoting member.

7 (c) Members shall serve without compensation but shall be  
8 reimbursed for actual expenses, including travel expenses,  
9 necessary for the performance of their duties.

10 (d) The chairperson of the council shall be elected  
11 annually from among its members by a majority vote of the  
12 members of the council.

13 § -5 **Executive director and executive assistant.** (a)

14 The council shall select an executive director, who shall serve  
15 at the pleasure of the council, and who shall have  
16 administrative abilities and expertise in engineering or  
17 architecture.

18 (b) The council or the executive director shall select an  
19 executive assistant, who shall have experience in statutory and  
20 administrative rulemaking processes.

21 § -6 **Duties of the council.** Any law to the contrary

22 notwithstanding, the council shall:



- 1           (1) Establish a comprehensive state building code;
- 2           (2) Appoint a subcommittee comprised solely of each of the
- 3                 council members holding the county building official
- 4                 seats, whose duty shall be to recommend any necessary
- 5                 or desirable state amendments to the model codes. Any
- 6                 recommended state amendments shall require the
- 7                 unanimous agreement of the subcommittee;
- 8           (3) The council shall review and adopt, as appropriate,
- 9                 new model building codes within eighteen months of
- 10                their official published date; and
- 11           (4) The council shall provide education and technical
- 12                training and administrative assistance in the form of
- 13                services or grants at the State and county levels
- 14                relating to the implementation and enforcement of the
- 15                state building code and county building codes adopted
- 16                pursuant to this chapter.

17           §   -7 **General authority.** The state building code council  
18 may:

- 19           (1) Appoint other investigative technical expertise
- 20                committees which may include council members; and
- 21           (2) Expend money for technical references, equipment,
- 22                supplies, and other operating expenses; and



1           (3) Contract for the conduct of research studies and  
2           provision of technical services.

3           §   -8   **Prohibitions.** The council shall not adopt  
4 provisions of the state building code that:

5           (1) Relate to administrative, permitting, enforcement, and  
6           inspection procedures of each county; and

7           (2) Prohibit indigenous pre-western contact Hawaiian  
8           architecture.

9           §   -9   **Exemptions.** Upon adoption of rules under this  
10 chapter, the State shall be exempted from county building codes  
11 for state building construction.

12          §   -10   **Annual report.** The department of accounting and  
13 general services shall submit an annual report to the  
14 legislature no less than twenty days prior to the commencement  
15 of the regular session. The report shall detail the activities  
16 and accomplishments of the council.

17          §   -11   **County authority to amend.** The governing body of  
18 each county is authorized to amend the state building code as it  
19 applies within that jurisdiction, in accordance with section  
20 46-1.5(13), without approval of the council, no later than two  
21 years after the adoption of the state building code. Each  
22 county shall use the model codes and standards listed in section



1 -3, as the referenced model building codes and standards for  
2 its county building code ordinance.

3 (b) County amendments shall be consistent with the minimum  
4 performance standards of the state building code and the  
5 objectives enumerated in section -1.

6 (c) If the counties do not amend the statewide model codes  
7 within the two-year timeframe pursuant to subsection (a), the  
8 state building code shall become applicable as an interim county  
9 building code until the time that the county adopts its  
10 amendments."

11 SECTION 3. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$250,000, or so much  
13 thereof as may be necessary for fiscal year 2007-2008, for  
14 operations of the state building code council.

15 SECTION 4. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$250,000, or so much  
17 thereof as may be necessary for fiscal year 2007-2008, and the  
18 same sum, or so much thereof as may be necessary for fiscal year  
19 2008-2009, for technical assistance services to the state  
20 building code council.

21 The sums appropriated shall be expended by the department  
22 of accounting and general services.





**Report Title:**  
Building Codes

**Description:**  
Establishes a statewide model building code and design standards. Makes appropriation.

