

JAN 18 2007

A BILL FOR AN ACT

RELATING TO STATE BUILDING CODE.

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

1 SECTION 1. The legislature finds that there is a recurring
2 problem in that throughout the State's history, the counties
3 have adopted building codes on independent schedules, and
4 counties have on occasion skipped periodic updates of the codes.
5 As a result, it has been common for several archaic building
6 codes to be in simultaneous use in Hawaii. These older code
7 provisions do not utilize lessons learned from recent past
8 disasters, and they do not include improvements made to provide
9 disaster-resistant integrity in building construction. To
10 complicate matters more, several state agencies still use
11 administrative rules to establish building regulations that do
12 not necessarily reflect current national consensus standards,
13 and coordination of these additional requirements has not been
14 explicitly performed by a single lead agency.

15 The legislature further finds that for reasons of public
16 safety, health, and welfare, buildings should conform to the
17 latest codes to afford sufficient protection against natural



1 hazards. For example, the loss of functionality of island of
2 Hawaii hospitals during the Kiholo Bay earthquake can be traced
3 to archaic building construction practices that did not include
4 adequate bracing of nonstructural elements such as ceilings.
5 Experience shows that communities that have modern,
6 well-enforced codes and standards have sustained less damage
7 during major disasters and are able to recover more quickly.

8 The purpose of this Act is to establish a coordinated
9 building code process, developed in accordance with the
10 recommendations of the task force created by Senate Concurrent
11 Resolution 17, 2005, and with the unanimous consensus of county
12 building officials, the state fire council, representatives of
13 the construction industry, the property insurance industry,
14 realtors, the Structural Engineers Association of Hawaii, and
15 the American Institute of Architects Hawaii Chapter.

16 SECTION 2. Chapter 107, Hawaii Revised Statutes, is
17 amended by adding a new part to be appropriately designated and
18 to read as follows:

19 **"PART . STATE BUILDING CODE AND DESIGN STANDARDS**

20 **§107-A Definitions.** As used in this part:



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 **§107-B State building code council.** (a) There is
5 established a state building code council. The council shall be
6 placed within the department of accounting and general services
7 for administrative purposes only. The council shall consist of
8 nine voting members, appointed by the comptroller, and one ex
9 officio nonvoting member. The voting members shall include:

- 10 (1) One county building official from each of the four
11 counties of the State;
- 12 (2) One member representing the state fire council;
- 13 (3) One member representing the department of health, with
14 significant experience in building mechanical and
15 sewage disposal systems;
- 16 (4) One member representing the department of labor and
17 industrial relations, with significant experience in
18 fire safety;
- 19 (5) One member representing the Structural Engineers
20 Association of Hawaii; and
- 21 (6) One member representing the American Institute of
22 Architects, Hawaii State Chapter.



1 The comptroller or the comptroller's designated representative
2 shall serve as the ex officio nonvoting member.

3 Members shall serve for terms of four years and each member
4 shall hold office until the member's successor is appointed.

5 (b) Five voting members shall constitute a quorum. The
6 chairperson of the council shall be elected annually by a quorum
7 of its members.

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

11 **§107-C Executive director and executive assistant.** The
12 council shall appoint, exempt from chapters 76 and 88, an
13 executive director, who shall serve at the pleasure of the
14 council and who shall have administrative abilities and
15 expertise in engineering or architecture, and an executive
16 assistant, who shall have experience in statutory and
17 administrative rulemaking processes.

18 **§107-D Authority and duties of the council.** (a) Any law
19 to the contrary notwithstanding, the council shall establish a
20 comprehensive state building code.



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

4 (c) The state building code shall include:

5 (1) The latest edition of the International Building Code,
6 published by the International Code Council;

7 (2) Hawaii design standards implementing the criteria
8 developed by the department of defense pursuant to
9 Act 5, Special Session Laws of Hawaii 2005, as
10 applicable to:

11 (A) Emergency shelters built to comply with hurricane
12 resistant criteria, including enhanced hurricane
13 protection areas capable of withstanding a five
14 hundred year hurricane event; and

15 (B) Essential government facilities requiring
16 continuity of operations; and

17 (3) Code provisions based on nationally published codes or
18 standards that include, but are not limited to,
19 residential and hurricane resistive standards for
20 residential construction, fire, elevator, electrical,
21 plumbing, mechanical, and energy conservation



1 standards for building design and construction, and
2 private sewage disposal.

3 (d) The council shall appoint a subcommittee comprised of
4 the four council members representing county building officials,
5 whose duty shall be to recommend any necessary or desirable
6 state amendments to the model codes. Any recommended state
7 amendments shall require the unanimous agreement of the
8 subcommittee.

9 (e) The council may appoint other investigative, technical
10 expertise committees, which may include council members.

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

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

18 (h) The council shall provide education and technical
19 training and administrative assistance in the form of services
20 or grants at the state and county levels relating to the
21 implementation and enforcement of the state building code
22 adopted pursuant to this part.



1 (i) In adopting a state building code, the council shall
2 not adopt provisions that:

3 (1) Relate to administrative, permitting, or enforcement
4 and inspection procedures of each county; and

5 (2) Prohibit indigenous (pre-western contact) Hawaiian
6 architecture.

7 (j) Upon adoption of rules pursuant to section 107-F, the
8 State shall be exempted from county building codes for state
9 building construction.

10 **§107-E County building code authority to amend the state**
11 **model building code without state approval.** The governing body
12 of each county shall amend the state building code as it applies
13 within its respective jurisdiction, in accordance with section
14 46-1.5(13), without approval of the council. Each county shall
15 use the model codes and standards listed in section 107-D(c), as
16 the referenced model building codes and standards for its
17 respective county building code ordinance, no later than two
18 years after the adoption of the state building code. County
19 amendments shall be consistent with the minimum performance
20 standards of the state building code. If a county does not
21 amend the statewide model codes within the two-year timeframe,



1 the state building code shall become applicable as an interim
2 county building code until the county adopts the amendments.

3 **§107-F Rules.** The department shall adopt rules pursuant
4 to chapter 91, to provide a building code for state building
5 construction.

6 **§107-G Annual report.** The department shall report to the
7 legislature no later than twenty days prior to the opening of
8 each regular legislative session on the council's activities and
9 accomplishments."

10 SECTION 3. Chapter 107, Hawaii Revised Statutes, is
11 amended by designating sections 107-1 to 107-11 as Part I,
12 entitled:

13 **"PART I. GENERAL PROVISIONS"**

14 SECTION 4. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$500,000, or so much
16 thereof as may be necessary for fiscal year 2007-2008, for the
17 operations of the state building code council, including
18 technical assistance services as required.

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

21 SECTION 5. In codifying the new sections added by section
22 2 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 6. This Act shall take effect on July 1, 2007.

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INTRODUCED BY: Norman Sabatino
Shiranne Chun Calalang

Report Title:

State Building Code; Council; Standards

Description:

Establishes a state building code council; authorizes the council to establish a state building code; appropriates funds for the operations of the council.

