



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1267

June 30, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

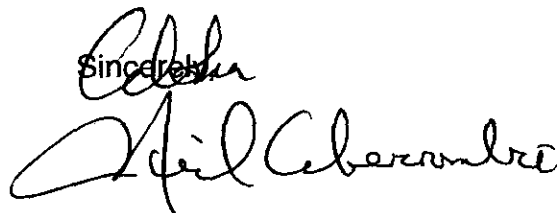
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 30, 2014, the following bill was signed into law:

SB2581 SD2 HD1 CD1

RELATING TO THE STATE BUILDING CODE
ACT 164 (14)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

JUN 30 2014

OF THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

ACT 164
S.B. NO.

2581
S.D. 2
H.D. 1
C.D. 1

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:



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
22 Association of Hawaii, who has significant experience



1 with building codes, with alternating four-year terms
2 between the two organizations and the first four-year
3 term to be served by the Building Industry Association
4 of Hawaii; and

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

8 (b) [~~Six~~] Seven voting members shall constitute a quorum.

9 The chairperson of the council shall be elected annually from
10 among its members by a majority vote of the members of the
11 council."

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

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



1 the duties of the council under section 107-24. The council may
2 appoint other staff who shall be subject to chapters 76 and 89.

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

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

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

14 (b) The council shall appoint a subcommittee [~~comprised~~
15 ~~of~~] comprising the four council members representing county
16 building officials, whose duty shall be to recommend any
17 necessary or desirable state amendments to the [~~model~~] codes[~~-~~]
18 and standards identified in section 107-25. Any recommended
19 state amendments shall require the unanimous agreement of the
20 subcommittee.

21 (c) The council shall adopt, amend, or update codes and
22 standards identified in section 107-25 on a staggered basis, as



1 established by the council; provided that the adoption,
2 amendment, or update of any code or standard shall be:

- 3 (1) At least once every six years; and
- 4 (2) Based upon a review and evaluation of the utility of
5 the code or standard at the time each respective
6 edition is published.

7 [~~e~~] (d) The council may appoint other investigative,
8 technical expertise committees, which may include council
9 members.

10 [~~d~~] (e) The council shall consult with general building
11 contractor associations and building trade associations to
12 gather information and recommendations on construction practices
13 and training relevant to building codes and standards.

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

17 [~~f~~] (g) The council may make expenditures for technical
18 references, equipment and supplies, and other operating
19 expenses, and may contract for the conduct of research studies
20 and other technical services.

21 [~~g~~] (h) The council [~~shall~~] may provide education and
22 technical training and administrative assistance in the form of



1 services or grants at the state and county levels relating to
2 the implementation and enforcement of the Hawaii state building
3 ~~[eode]~~ codes adopted pursuant to this part.

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

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

10 " ~~[f]§107-25 [f]—State~~ Hawaii state building ~~[eode+]~~ codes;
11 requirements. There is established ~~[a]~~ the Hawaii state
12 building ~~[eode]~~ codes applicable to all construction in the
13 State of Hawaii. The Hawaii state building ~~[eode]~~ codes shall
14 ~~[include+]~~ be based upon:

15 (1) The ~~[latest edition of the]~~ state fire code as adopted
16 by the state fire council;

17 (2) The ~~[latest edition of the]~~ Uniform Plumbing Code, as
18 copyrighted and published by the International
19 Association of Plumbing and Mechanical Officials,
20 including its appendices;

21 (3) The ~~[latest edition of the]~~ International Building
22 Code, the International Residential Code, and the



1 International Energy Conservation Code, as published
2 by the International Code Council;

3 (4) The National Electrical Code, as published by the
4 National Fire Protection Association;

5 ~~(4)~~ (5) Hawaii design standards implementing the criteria
6 pursuant to Act 5, Special Session Laws of Hawaii,
7 2005, as applicable to:

8 (A) Emergency shelters built to comply with hurricane
9 resistant criteria, including enhanced hurricane
10 protection areas capable of withstanding a five
11 hundred-year hurricane event as well as other
12 storms and natural hazards; and

13 (B) Essential government facilities requiring
14 continuity of operations; and

15 ~~(5)~~ (6) Code provisions based on nationally published
16 codes or standards that include~~(7)~~ but are not limited
17 to~~(7)~~ residential and hurricane ~~resistive~~ resistant
18 standards ~~[for residential construction, fire,]~~
19 related to loss mitigation standards in accordance
20 with section 431P-12, elevator, ~~[electrical,~~
21 ~~plumbing,~~] mechanical, flood and tsunami, existing
22 buildings, ~~[and energy conservation standards for~~



1 ~~building design and construction,~~] and onsite sewage
2 disposal."

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

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

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

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

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

- 20 (1) County codes that have not adopted the Hawaii state
21 building [eode,] codes;



1 (2) Any county code amendments that are inconsistent with
2 the minimum performance objectives of the Hawaii state
3 building ~~code~~ codes or the objectives enumerated in
4 this part; or

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

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

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

21 (b) If a county does not amend the ~~statewide model code~~
22 Hawaii state building codes within the two-year time frame, the



1 Hawaii state building [~~code~~] codes shall become applicable as an
2 interim county building code [~~until the county adopts the~~
3 ~~amendments~~]."

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

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

17 SECTION 11. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$136,676 or so much
19 thereof as may be necessary for fiscal year 2014-2015 for the
20 state building code council and staff to carry out their duties
21 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 12. 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 13. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 14. This Act shall take effect on July 1, 2014.

APPROVED this 30 day of JUN , 2014



GOVERNOR OF THE STATE OF HAWAII