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G. Riki Hokama

Director of Council Services
Ken Fukuoka

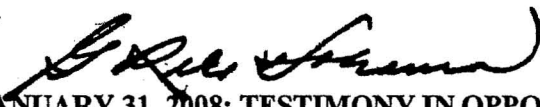


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COUNTY COUNCIL
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TO: Honorable Cindy Evans, Chair
House Committee on Public Safety & Military Affairs

FROM: G. Riki Hokama
Council Chair 

SUBJECT: **HEARING OF JANUARY 31, 2008; TESTIMONY IN OPPOSITION TO
HB 2465, RELATING TO THE STATE FIRE CODE**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to make the State Fire Code, and any updates adopted as rules by the State Fire Council, immediately effective upon transmission by the State Fire Council to the county councils without the need for counties to enact ordinances.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. Changes or updates to the State Fire Code should be enacted by ordinance, not a rule adopted by administrative procedure.
2. The State Fire Council is not a legislative body.
3. This measure usurps county authority and repudiates home rule principles, without justification. Allowing the State Fire Code to be updated by administrative procedure limits the counties' ability to ensure that fire code is consistent in form and language with the building and other codes of the respective counties.

For the foregoing reasons, I oppose this measure.

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LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller

Barbara A. Annis
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
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TESTIMONY
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
PUBLIC SAFETY & MILITARY AFFAIRS
ON
January 31, 2008

H.B. 2465

RELATING TO THE STATE FIRE CODE

Chair Evans, and members of the Committee, thank you for the opportunity to testify on H.B. 2465.

The Department of Accounting ~~and General Services (DAGS)~~ is opposed to H.B. 2465.

The purpose of H.B. 2465 is already achieved in Act 82, SLH 2007 (the Act). The Act created the State Building Code Council (the Council) which has the authority to establish a comprehensive state building code. There are four building codes specifically identified in the Act which are required to be part of the comprehensive state building code. The State fire code is one of the four specifically identified. Under the provisions of the Act, the counties have two years from the date the Council adopts the building codes to amend them. If the counties do not adopt the state model code within the two year timeframe, the State building code will become the county building code.

Thank you for the opportunity to testify on this matter.