



**STATE OF HAWAII**  
**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 19, 2013

The Honorable Henry J. C. Aquino, Chair  
Committee on Public Safety  
House of Representatives  
State Capitol, Room 419  
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: S.B. 682, S.D. 2 Relating to Fire Protection

I am Robert Westerman, Vice Chair of the State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support S.B. 682, S.D. 2, which seeks to amend the existing statute requirements for submitting building plans to the fire chief for approval.

The purpose of this bill is to clarify and update a county fire chief's authority to review construction, alteration, and other installation plans and specifications for buildings or facilities, to meet the minimum fire code requirements. The current statute used language that was applicable over 30 years ago, and building occupancies and classifications have since changed. In addition, each county fire chief's authority varies, depending on agreements with their respective building officials.

It further clarifies that other agencies have jurisdiction in the permit approval process. All aspects of the county's permitting process must be fulfilled in order for a building permit to be approved and issued. This bill does not impose an additional layer of plans review, nor will it delay or curtail home construction and remodeling projects.

This bill does not impose any additional requirements for state projects. Hawaii Revised Statutes 107-31 states:

"State building code; compliance. The design of all state building construction shall be in compliance with the state building code within one year of its effective date."

The Honorable Henry J. C. Aquino, Chair  
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Furthermore, unless the building code directs or references the fire code, building code requirements are followed for all new construction, alteration, or additions. Sections 1.3.3.3 and 1.3.3.6.3 of the Hawaii state fire code, which was approved by Governor Linda Lingle on January 1, 2010, respectively state:

“When a conflict occurs in the requirements for design and construction for new construction of the buildings between this code and the building code, the building code shall apply.

Exception: This code does apply to new construction when this code is specifically referenced from the building code.”

“Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to the building code.”

The SFC and the KFD urge your committee’s support on the passage of S.B. 682, S.D. 2.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,



ROBERT WESTERMAN  
Vice Chair

RW/LR:cc

# BIA-HAWAII

## BUILDING INDUSTRY ASSOCIATION

*"Building Better Communities"*

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## Testimony to the House Committee on Public Safety

**Thursday, March 21, 2013**

**10:00 a.m.**

**State Capitol - Conference Room 309**

**RE: S.B. 682, S.D. 2, RELATING TO FIRE PROTECTION**

Dear Chair Aquino, Vice-Chair Ing, and members of the committee:

My name is Gladys Marrone, Director of Government Relations for the Building Industry Association of Hawaii (BIA-Hawaii), the voice of the construction industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, affiliated with the National Association of Home Builders.

S.B. 682, S.D. 2, Relating to Fire Protection, proposes to clarify the authority of the county fire chief to examine building plans and documentation to ensure that they are in compliance with the fire code and life safety standards. It requires the approval of plans and issuance of permits before work may begin.

BIA-Hawaii had opposed the original version of this measure because, as written, the bill would have expanded the scope of the county fire chief's jurisdiction to reviewing building plans for all structures, including new and existing single-family and duplex residences. Governance over new residential construction lie with the county's building code. County fire chiefs would also review plans for any change of use or occupancy. Very broad powers would have been granted to the county fire chiefs.

Since then, the BIA-Hawaii, the Hawaii Farm Bureau, and the State Fire Council worked on language agreeable to all parties, which is now S.B. 682, S.D. 2.

However, we offer the attached **amendment** for your consideration, which we believe will remove any further vagueness in the bill.

Thank you for the opportunity to express our views.

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# A BILL FOR AN ACT

RELATING TO FIRE PROTECTION.

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

SECTION 1. Section 132-9, Hawaii Revised Statutes, is amended to read as follows:

**"§132-9 Submission of building plans for approval.**

~~[Before work commences upon the construction of any building of the types hereinafter enumerated, or upon an alteration or addition to any building, the plans and specifications for the work shall be submitted to the county fire chief. Neither the person causing the construction, alteration, or addition to be made, nor the person's architect or agent, shall authorize, order, or permit the work thereon to start and no contractor, builder, or other person may start the work, before approval of the plans and specifications by the county fire chief.~~

~~The foregoing provisions shall be applicable to buildings, the whole or any part of which are being, or intended to be, used as:~~

~~(1) Hospitals, sanitariums, asylums, children's nurseries, and other such institutions;~~

~~(2) Hotels, apartment houses, rooming houses, and tenement houses; provided that when any such building to be constructed or upon which alterations or additions are to be made, is only one story high, with living accommodations permanently designated and intended for less than twenty-five persons, this section shall not apply;~~

~~(3) Schools, churches, auditoriums, halls, gymnasiums, dance halls, nightclubs, factories, office buildings, stores, and all other such buildings where persons work, congregate, or~~

~~assemble; provided that when any such building to be constructed, or upon which alterations or additions are to be made, is only one story high, and is permanently designated and intended for a total accommodation at any one time of less than one hundred persons, this section shall not apply.]~~

The county fire chief shall be authorized by each respective county to require plans or documentation, or both, to show compliance with the County's adopted fire code and fire and life safety standards for the following:

(1) Construction, alteration, rehabilitation, or addition to any building, structure, or facility;

(2) Changes in the use of a building or structure, or a change in occupancy; and

(3) Installation or alteration of any procedures, equipment, property, or structure for any life safety or fire protection systems.

No work shall commence without the necessary permits issued by the jurisdiction having authority.

This section shall be applicable to the State and the counties, and other municipal subdivisions, and their officers, as well as to private persons."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 2050.

**Report Title:**

Fire Protection; Fire and Life Safety Standards; Construction Permits

**Description:**

Clarifies the authority of the county fire chiefs to examine building plans and documentation to ensure that they are in compliance with the fire code and fire and life safety standards. Requires the issuance of permits before work may begin. Effective 1/1/2050. (SD2)

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

**ing2-Brandon**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 20, 2013 9:11 AM  
**To:** pbstestimony  
**Cc:** tabraham08@gmail.com  
**Subject:** Submitted testimony for SB682 on Mar 21, 2013 10:00AM

**SB682**

Submitted on: 3/20/2013

Testimony for PBS on Mar 21, 2013 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments: i support passage of this bill

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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