

HB  
492

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## A BILL FOR AN ACT

RELATING TO THE STATE FIRE CODE.

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

1           SECTION 1. The legislature finds that the state fire code  
2 is among the building codes and standards that comprise the  
3 state building code. The state building code also includes the  
4 building, residential, plumbing, electrical, energy, and  
5 elevator codes. Pursuant to chapter 107, Hawaii Revised  
6 Statute, the state fire code is first adopted by the state fire  
7 council and is then adopted by the state building code council,  
8 a body composed of experts representing designers, contractors,  
9 industry representatives, county building, fire, and other state  
10 regulatory code officials. The state building code council is  
11 administratively attached to the department of accounting and  
12 general services. Currently, the department of accounting and  
13 general services is required to adopt administrative rules  
14 pursuant to chapter 91, Hawaii Revised Statutes, after the  
15 building codes are adopted by the state building code council.  
16 Section 132-3, Hawaii Revised Statutes, requires the state fire  
17 code to be adopted after public hearings are conducted pursuant



1 to chapter 91. The other building codes that make up the state  
2 building code are exempt from the requirement to conduct public  
3 hearings. Instead, these other building codes are adopted  
4 pursuant to chapter 92, Hawaii Revised Statutes, which requires  
5 stakeholders to meet and discuss the various building codes in  
6 an open forum. These state codes form a consistent basis for  
7 the adoption of building codes for designers, contractors, and  
8 the counties.

9 The purpose of this Act is to repeal the requirement for  
10 the state fire code to be adopted after public hearings pursuant  
11 to chapter 91, Hawaii Revised Statutes, and instead require the  
12 state fire code to be adopted pursuant to chapter 92, Hawaii  
13 Revised Statutes, in conformance with all the other state  
14 building codes.

15 SECTION 2. Section 132-3, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 **"§132-3 Adoption of state fire code.** The state fire  
18 council shall, [~~after public hearings pursuant to chapter 91,~~]  
19 in accordance with chapter 92, adopt a state fire code setting  
20 forth minimum requirements relative to the protection of persons  
21 and property from fire loss including without limitation: (1)



1 the storage, handling, and use of hazardous substances,  
 2 materials, and devices; and (2) the control of conditions  
 3 hazardous to life or property in the design, use, or occupancy  
 4 of buildings and premises. The state fire code shall become  
 5 part of the Hawaii state building codes as provided in section  
 6 107-25. The state fire council shall meet annually to review  
 7 and amend the state fire code."

8 SECTION 3. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:   
 By Request

JAN 18 2019



# H.B. NO. 492

**Report Title:**

State Fire Council Package; State Fire Code; Process for Adoption

**Description:**

Amends the process for adoption of the state fire code to conform with other Hawaii state building codes.

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



DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



LEONARD HOSHIJO  
DIRECTOR

LOIS IYOMASA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
830 PUNCHBOWL STREET, ROOM 321  
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February 1, 2019

The Honorable Roy Takumi, Chair  
Committee on Consumer Protection  
and Commerce  
House of Representatives  
State Capitol, Room 320  
Honolulu, Hawaii 96813

Dear Chair Takumi:

Subject: House Bill (HB) 492 Relating to the State Fire Code

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support HB 492, which proposes to amend the adoption process of the state fire code to conform with other state building codes.

One of the SFC's responsibilities is to adopt the state fire code, which is required to comply with the requirements of Hawaii Revised Statutes (HRS), Chapters 91 and 92. Chapter 91 requires public hearings that cost approximately \$2,000 to post public notices in the five different Hawaii news publications in addition to various steps in the administrative rules process. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum. Since the state fire code is one of the Hawaii State building codes, it must also be approved by the State Building Code Council (SBCC) after being approved by the SFC. Other Hawaii State building codes, which include residential, plumbing, energy, and electrical codes, are adopted by the SBCC under Chapter 92 without public hearings or the administrative rules process. The Department of Accounting and General Services, to which the SBCC is administratively attached, is required to comply with HRS Chapter 91.

The Honorable Roy Takumi, Chair  
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February 1, 2019

The SFC believes adequate comment opportunities can be provided without public hearings through the following methods:

1. Conduct public meetings in an open forum under HRS Chapter 92
2. Publicly post the state fire code investigative committee meetings that initially review and amend the national fire code
3. Notify state fire code stakeholders during the review and adoption process

The SFC and the HFD urge your committee's support on the passage of HB 492.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

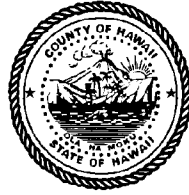
Sincerely,



MANUEL P. NEVES  
Chair

MPN/LR:clc

**Harry Kim**  
Mayor



**Darren J. Rosario**  
Fire Chief

**Lance S. Uchida**  
Deputy Fire Chief

**County of Hawai'i**  
**HAWAII FIRE DEPARTMENT**  
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720  
(808) 932-2900 • Fax (808) 932-2928

February 4, 2019

The Honorable Roy Takumi, Chair  
Committee on Consumer Protection  
and Commerce  
House of Representatives  
State Capitol, Room 320  
Honolulu, Hawai'i 96813

Dear Chair Takumi:

**Subject: H.B. 492, RELATING TO THE STATE FIRE CODE**  
**Hearing Date: Tuesday, February 5, 2019**  
**Time/Place of Hearing: 2:00 p.m., Conference Room 329**

I am Darren J. Rosario, Member of the Hawai'i State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The SFC and the HCFD supports HB 492, which proposes to amend the adoption process of the state fire code to conform with other state building codes.

As required to comply with the requirements of Hawai'i Revised Statutes (HRS), Chapters 91 and 92, adoption of the state fire code is the responsibility of the SFC. The state fire code is one of the Hawaii State building codes, thus, it must also be approved by the State Building Code Council (SBCC) after being approved by the SFC. Other Hawaii State building codes, which include residential, plumbing, energy, and electrical codes, are adopted by the SBCC under Chapter 92 without public hearings or the administrative rules process.

The SFC believes adequate comment opportunities can be provided without public hearings through the following methods:

1. Conduct public meetings in an open forum under HRS Chapter 92
2. Publicly post the state fire code investigative committee meetings that initially review and amend the national fire code
3. Notify state fire code stakeholders during the review and adoption process

The SFC and the HCFD urge your committee's support on the passage of HB 492.





**H.B. 492, Relating to the State Fire Code**

February 4, 2019

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Please do not hesitate to call me at 932-2901 or [darren.rosario@hawaiicounty.gov](mailto:darren.rosario@hawaiicounty.gov) should you have any questions. Thank you for the opportunity to provide testimony in support of HB 492.

Respectfully,

A handwritten signature in black ink, appearing to read "Darren", with a horizontal line extending to the right.

DARREN J. ROSARIO  
Fire Chief



**TESTIMONY TO THE COMMITTEE ON CONSUMER PROTECTION & COMMERCE  
State Capitol, Conference Room 329  
415 South Beretania Street  
2:00 PM**

February 5, 2019

RE: HB 492 - RELATING TO FIRE PROTECTION

Chair Takumi, Vice Chair Ichiyama, and members of the committee

My name is Gladys Quinto-Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities that people call home.

BIA-Hawaii is **opposed** to H.B. 492, which proposes to amend the process for adoption of the State Fire Code to conform with other Hawaii state building codes.

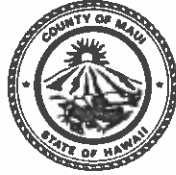
We understand that currently Section 132-3, Hawaii Revised Statutes, requires the State Fire Code to be adopted after public hearings are conducted pursuant to chapter 91.

The purpose of this Act is to repeal the requirement for the state fire code to be adopted after public hearings pursuant to chapter 91, Hawaii Revised Statutes, and instead requires the State Fire Code to be adopted pursuant to chapter 92, Hawaii Revised Statutes.

At a time when there is a need for more government transparency, we question why the adoption of the fire code should not involve a public hearing. Government mandates through the adoption of various building codes will only add to the cost of housing, which is already unaffordable to many local families. We would caution against not allowing for a full public vetting of the State Fire Code prior to adoption as some of the elements in the code, such as mandating the installation of fire sprinklers in one and two family dwellings, will have a significant impact on future home prices.

We are opposed to H.B. 492 and appreciate the opportunity to express our views on this matter.

**MICHAEL P. VICTORINO  
MAYOR**



**DAVID THYNE  
FIRE CHIEF**

**BRADFORD VENTURA  
DEPUTY FIRE CHIEF**

**COUNTY OF MAUI  
DEPARTMENT OF FIRE & PUBLIC SAFETY**

200 DAIRY ROAD  
KAHULUI, HI 96732  
PHONE: (808) 270-7561  
FAX: (808) 270-7919

February 4, 2019

The Honorable Roy Takumi, Chair  
Committee on Consumer Protection  
and Commerce  
State Capitol, Room 231  
Honolulu, HI 96813

Dear Chair Takumi:

Subject: House Bill (HB) 492 Relating to State Fire Code

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support HB 492, which proposes to amend the adoption process of the state fire code to conform with other state building codes.

One of the SFC's responsibilities is to adopt the state fire code, which is required to comply with the requirements of Hawaii Revised Statutes (HRS), Chapters 91 and 92. Chapter 91 requires public hearings that cost approximately \$2,000 to post public notices in the five different Hawaii news publications in addition to various steps in the administrative rules process. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum. Since the state fire code is one of the Hawaii State building codes, it must also be approved by the State Building Code Council (SBCC) after being approved by the SFC. Other Hawaii State building codes, which include residential, plumbing, energy, and electrical codes, are adopted by the SBCC under Chapter 92 without public hearings or the administrative rules process. The Department of Accounting and General Services, to which the SBCC is administratively attached, is required to comply with HRS Chapter 91.

The SFC believes adequate comment opportunities can be provided without public hearings through the following methods:

1. Conduct public meetings in an open forum under HRS Chapter 92

The Honorable Roy Takumi, Chair

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February 4, 2019

2. Publicly post the state fire code investigative committee meetings that initially review and amend the national fire code
3. Notify state fire code stakeholders during the review and adoption process

The SFC and the MFD urge your committee's support on the passage of HB 492.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

Sincerely,



DAVID C. THYNE  
Fire Chief

DCT/LR:clc