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GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



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DIRECTOR

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February 13, 2019

LATE

The Honorable Chris Lee, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Lee:

Subject: House Bill (HB) 494 Relating to the State Building 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 494, which proposes to revise the requirement for the Department of Accounting and General Services (DAGS) to adopt administrative rules for the Hawaii State building codes.

Currently, under Hawaii Revised Statutes (HRS) 107, the state building codes, which include the national building, residential, electrical, plumbing, fire, energy, and elevator codes, are required to be reviewed and adopted by the State Building Code Council (SBCC) with meetings held under the requirements of HRS Chapter 92. Chapter 92 requires meetings to follow the Sunshine Law in an open public forum. The DAGS, to which the SBCC is administratively attached, is required to comply with HRS Chapter 91 and adopt the administrative rules for the state building codes. This bill would change this requirement from "shall" to "may" adopt rules.

The SFC believes that the public meetings open forum under Chapter 92, including the public posting of SBCC meetings and notifying building code stakeholders on the approval process, provides sufficient comment opportunities without public hearings. The timely review and adoption of state building codes are the necessary basis for the codes that are adopted at the county level.

Furthermore, SBCC members voluntarily serve on the committee and meet and review the building code in their spare time. Repeal of the administrative rules requirement for adoption of the state building codes will remove unnecessary clerical burdens involving the administrative process for which there are currently no allocated human resources.

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The Honorable Chris Lee, Chair
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February 13, 2019

The SFC and the HFD urges your committee's support on the passage of HB 494.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

Sincerely,



MANUEL P. NEVES
Chair

MPN/LR:clc



KAUA'I FIRE DEPARTMENT
THE COUNTY OF KAUA'I
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KILIPAKI VAUGHAN
DEPUTY FIRE CHIEF

February 14, 2019

LATE

The Honorable Chris Lee, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Aloha Chair Lee:

Subject: House Bill (HB) 494 Relating to the State Building Code

I am Kilipaki Vaughan, Deputy Fire Chief of the Kauai Fire Department (KFD). The KFD **supports** HB 494, which proposes to revise the requirement for the Department of Accounting and General Services (DAGS) to adopt administrative rules for the Hawaii State building codes.

Currently, under Hawaii Revised Statutes (HRS) 107, the state building codes, which include the national building, residential, electrical, plumbing, fire, energy, and elevator codes, are required to be reviewed and adopted by the State Building Code Council (SBCC) with meetings held under the requirements of HRS Chapter 92. Chapter 92 requires meetings to follow the Sunshine Law in an open public forum. The DAGS, to which the SBCC is administratively attached, is required to comply with HRS Chapter 91 and adopt the administrative rules for the state building codes. This bill would change this requirement from "shall" to "may" adopt rules.

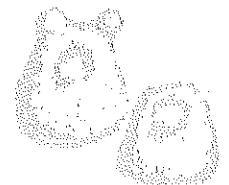
The State Fire Council (SFC) believes that the public meetings open forum under Chapter 92, including the public posting of SBCC meetings and notifying building code stakeholders on the approval process, provides sufficient comment opportunities without public hearings. The timely review and adoption of state building codes are the necessary basis for the codes that are adopted at the county level.

Furthermore, SBCC members voluntarily serve on the committee and meet and review the building code in their spare time. Repeal of the administrative rules requirement for adoption of the state building codes will remove unnecessary clerical burdens involving the administrative process for which there are currently no allocated human resources.

www.kauai.gov

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KAUA'I FIRE DEPARTMENT
THE COUNTY OF KAUAI
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KILIPAKI VAUGHAN
DEPUTY FIRE CHIEF

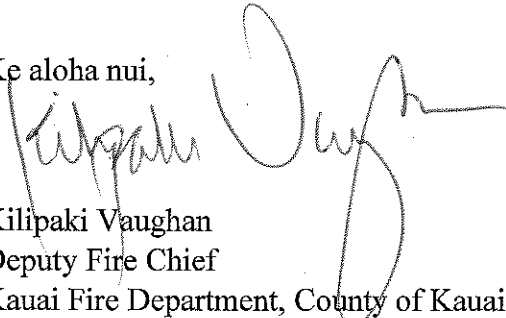
The Honorable Chris Lee, Chair

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February 14, 2019

Should you have questions, please contact me at (808) 241-4980 or via email at kvaughan@kauai.gov

Ke aloha nui,

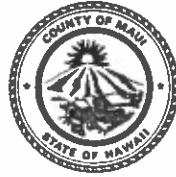


Kilipaki Vaughan
Deputy Fire Chief
Kauai Fire Department, County of Kauai

KV/dg



MICHAEL VICTORINO
MAYOR



DAVID THYNE
FIRE CHIEF

BRADFORD VENTURA
DEPUTY FIRE CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY

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LATE

February 13, 2019

The Honorable Chris Lee, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Lee:

Subject: House Bill (HB) 494 Relating to the State Building 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 494, which proposes to revise the requirement for the Department of Accounting and General Services (DAGS) to adopt administrative rules for the Hawaii State building codes.

Currently, under Hawaii Revised Statutes (HRS) 107, the state building codes, which include the national building, residential, electrical, plumbing, fire, energy, and elevator codes, are required to be reviewed and adopted by the State Building Code Council (SBCC) with meetings held under the requirements of HRS Chapter 92. Chapter 92 requires meetings to follow the Sunshine Law in an open public forum. The DAGS, to which the SBCC is administratively attached, is required to comply with HRS Chapter 91 and adopt the administrative rules for the state building codes. This bill would change this requirement from "shall" to "may" adopt rules.

The SFC believes that the public meetings open forum under Chapter 92, including the public posting of SBCC meetings and notifying building code stakeholders on the approval process, provides sufficient comment opportunities without public hearings. The timely review and adoption of state building codes are the necessary basis for the codes that are adopted at the county level.

Furthermore, SBCC members voluntarily serve on the committee and meet and review the building code in their spare time. Repeal of the administrative rules requirement for adoption of the state building codes will remove unnecessary clerical burdens involving the administrative process for which there are currently no allocated human resources.

The Honorable Chris Lee, Chair
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The SFC and the MFD urges your committee's support on the passage of HB 494.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D.C. Thyne", written in a cursive style.

DAVID C. THYNE
Fire Chief

DCT/LR:clc



**TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY
State Capitol, Conference Room 325
415 South Beretania Street
2:05 PM**

February 14, 2019

RE: HOUSE BILL NO. 494, RELATED TO THE STATE BUILDING CODE

Chair Lee, Vice Chair San Buenaventura, 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 we all call home.

BIA-Hawaii has the following **comments** on H.B. 494 HD 1, which proposes to repeal the requirement for administrative rules in the adoption process of the state building codes.

We understand that §107-24 (c) Authority and duties of the council provides the following:
“(c) The council shall adopt, amend, or update codes and standards identified in section 107-25 on a staggered basis as established by the council; provided that adoption of a code or standard shall be within two years of the official publication date of the code or standard, pursuant to chapter 92, and exempt from the requirements of chapter 91.”

We also understand that §107-29 Rules states as follows: “The department shall adopt rules pursuant to chapter 91 necessary for the purposes of this part.”

There seems to be some confusion on the process to adopt, amend or update codes which are done in accordance with Chapter 92 HRS, and are therefore exempt from Chapter 91 HRS, pursuant to Chapter 107-24 HRS. We understand that the requirement to adopt rules pursuant to Chapter 91 HRS pursuant to Chapter 107-29 HRS is to provide the process by which Chapter 107 HRS will be implemented. This would include establishing the process in accordance with Chapter 92 HRS for adoption, amending or updating the codes.

In most cases, our understanding is that that HRS establishes the policy and the Administrative Rules are used to implement the policy. It is unclear to us at this time why the process would be changed to not require rules to implement the policies put forth in Chapter 107 HRS.

We appreciate the opportunity provide comments on H.B. 494.