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GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



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DIRECTOR

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February 8, 2019

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 145 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 SB 145, which proposes to amend the adoption process of the state fire code to conform to 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 the 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 Clarence Nishihara, Chair  
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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 SB 145.

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



**TESTIMONY TO THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS  
State Capitol, Conference Room 229  
415 South Beretania Street  
1:15 PM**

February 12, 2019

RE: SENATE BILLS NO. 145, RELATING TO THE STATE FIRE CODE; S.B. 147 RELATING TO THE STATE BUILDING CODE; S.B. 157 RELATING TO THE STATE BUILDING CODE

Chair Nishihara, Vice Chair Wakai, 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 is **opposed** to:

S.B. 145, which proposes to amend the process for adoption of the state fire code to conform with other Hawaii State Building Codes.

S.B. 147, which proposes to repeal the requirement for administrative rules in the adoption process of the State Building Codes.

S.B. 157, which proposes to repeal the requirement for the adoption of administrative rules relating to the adoption process of the State Building Code.

We understand that currently Section 132-3, Hawaii Revised Statutes (HRS), requires the state fire code to be adopted after public hearings are conducted pursuant to chapter 91. The purpose of these bills is to repeal the requirement for the state fire code to be adopted after public hearings pursuant to HRS chapter 91, and instead require the state fire code to be adopted pursuant to HRS chapter 92.

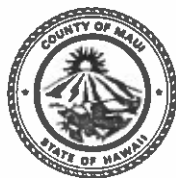
While the State Fire Council is looking to bypass their public hearing process and be part of the State Building Code Council hearing process, the State Building Code Council has various representatives of government and industry represented on the Council. The State Fire Council, on the other hand, only has fire department-related members. If the State Fire Council seeks to avoid the public hearing process for the State Fire Code, they should widen the membership of the Council to include other constituencies, such as industry and other government agencies. Otherwise, there would be **no transparency** in the amendment and adoption process for the State Fire Code.

At a time when there is a need for more government transparency, we question why the adoption of the fire code would be exempt from holding a public hearing. Government mandates made through the adoption of various building codes add to the cost of housing, which is already virtually unaffordable in Hawaii.

**We caution against 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 S.B. 145, S.B. 147, and S.B. 157 and appreciate the opportunity to express our views on this matter.

MICHAEL 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

**LATE**

February 11, 2019

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 145 Relating to the 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 SB 145, which proposes to amend the adoption process of the state fire code to conform to 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 the 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:

February 11, 2019

**LATE**

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 MFD urge your committee's support on the passage of SB 145.

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



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

**KILIPAKI VAUGHAN**  
DEPUTY FIRE CHIEF

February 11, 2019

**LATE**

The Honorable Clarence K. Nishihara, Chair  
Committee on Public Safety, Intergovernmental  
and Military Affairs  
State Capitol, Room 214  
Honolulu, HI 96813

Aloha Chair Nishihara:

Subject: Senate Bill (SB) 145 Relating to State Fire Code  
(Companion Bill HB 492)

I am Kilipaki Vaughan, Deputy Fire Chief of the Kauai Fire Department (KFD). The KFD supports SB 145 which proposes to amend the adoption process of the state fire code to conform to other state building codes.

One of the State Fire Council's (SFC) 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 the 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





**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 Clarence Nishihara, Chair

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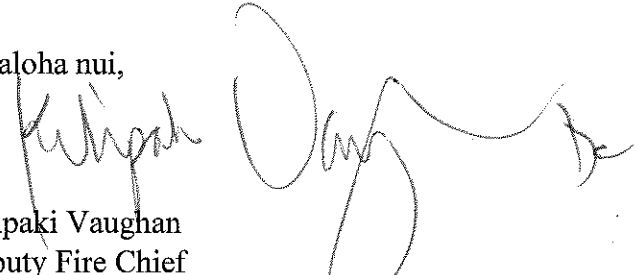
February 11, 2019

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 KFD urge your committee's support on the passage of SB 145.

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

Ke aloha nui,

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

KV/dag

