

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
HONOLULU, HAWAII 96813
www.labor.hawaii.gov
Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

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) 147 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 SB 147, 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. SB 147 is identical to SB 157.

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 a "shall" to "may" adopt rules.

The SFC believes that the open forum of public meetings 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.

The Honorable Clarence Nishihara, Chair
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The SFC and the HFD urges your committee's support on the passage of SB 147.

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



**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.

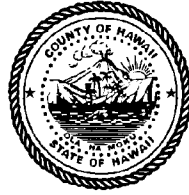
While the State Fire Council is looking to bypass their public hearing process and be part of the State Building Code Council hearing process, the State Building Code Council has various representatives of government and industry represented on the Council. The State Fire Council, on the other hand, 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.

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Lance S. Uchida
Deputy Fire Chief

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



February 11, 2019

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 224
Honolulu, Hawai'i 96813

Dear Chair Nishihara:

Subject: S.B. 147, RELATING TO THE STATE BUILDING CODE
Hearing Date: Thursday, February 12, 2019
Time/Place of Hearing: 1:15 p.m., Conference Room 229

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 SB 147, which proposes to revise the requirement for the Department of Accounting and General Services (DAGS) to adopt administrative rules for the Hawai'i State building codes. SB 147 is identical to SB 157.

Currently, under Hawai'i Revised Statutes (HRS) 107, the state building 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 a "shall" to "may" adopt rules.

Open forum public meetings under Chapter 92 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. The SFC and the HFD urges your committee's support on the passage of SB 147.

Please do not hesitate to call me at 932-2901 or darren.rosario@hawaiicounty.gov should you have any questions. Thank you for the opportunity to provide testimony in support of SB 147.

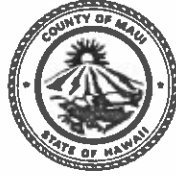
Respectfully,

A handwritten signature in black ink, appearing to read "Darren".

DARREN J. ROSARIO
Fire Chief



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) 147 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 SB 147, 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. SB 147 is identical to SB 157.

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 a "shall" to "may" adopt rules.

The SFC believes that the open forum of public meetings 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.

The Honorable Clarence Nishihara, Chair
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The SFC and the MFD urges your committee's support on the passage of SB 147.

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

Sincerely,



DAVID C. THYNE
Fire Chief

DCT/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 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) 147 Relating to the State Building Code
(Companion Bill HB 494)

I am Kilipaki Vaughan, Deputy Fire Chief of the Kauai Fire Department (KFD). The KFD and the State Fire Council (SFC) supports SB 147 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. SB 147 is identical to SB 157.

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 a "shall" to "may" adopt rules.

The SFC believes that the open forum of public meetings 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.

www.kauai.gov

4444 Rice Street Suite 315 • Lihu'e, Hawai'i 96766 • (808) 241-4980 (b) • (808) 241-6508 (f)

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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

LATE

The Honorable Clarence Nishihara, Chair
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February 11, 2019

The SFC and the KFD urge your committee's support on the passage of SB 147.

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/dag

