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June 26, 2020

LATE

The Honorable Chris Lee, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 433
Honolulu, Hawaii 96813

Dear Chair Lee:

Subject: Senate Bill (SB) 2130, Senate Draft (SD) 1 Relating to the State Fire Code

I am Manuel P. Neves, Chair of the Hawaii State (State) Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support SB 2130, SD 1, 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 navigating through the numerous steps in the administrative rules process, including public hearings that cost approximately \$2,000 to post notices in the five different Hawaii news publications. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum.

HRS §107-24 (c) requires State building codes, which include building, residential, plumbing, energy, and electrical codes, be adopted, amended, and updated from the national codes and standards "pursuant to chapter 92, and exempt from the requirements of chapter 91."

Since the state fire code is one of the State building codes, the SFC suggests the following statutorily uniform revision:

§132-3 Adoption of state fire code. The state fire council [~~shall, after public hearings pursuant to chapter 91,~~ pursuant to chapter 92, and exempt from the requirements of chapter 91, shall adopt a state fire code setting forth minimum requirements relative to the protection of persons and property from fire loss including without limitation:

- (1) [~~the~~] The storage, handling and use of hazardous substances, materials and devices; and
- (2) [~~the~~] The control of conditions hazardous to life or property in the design, use or occupancy of buildings and premises.

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 and State Building Code Council (SBCC) meetings that initially review and amend the national fire code. Representatives from each of the four county building officials must unanimously agree to any State building code amendments in order to have it reviewed by the SBCC's full body. The SBCC is comprised of State and county officials and representatives from the private sector, including engineers, subcontractors and the building industry, namely the Building Industry Association of Hawaii.
3. Notify state fire code stakeholders during the review, amendment, and adoption process.
4. Before any of the State building codes can be administered or enforced it must again be vetted at the county level.

National building codes and standards are updated every three years by technical committees comprised of a broad spectrum of stakeholders, including regulators, industry, and private sector experts. They are minimum requirements to safeguard the public health, safety, and general welfare of occupants of new and existing buildings. Consideration is given to new technology in materials and design, which many times is more efficient and cost effective. National codes and standards become mandates only after being vetted and adopted by State and local jurisdictions.

The SFC and the HFD urge your committee's support on the passage of SB 2130, SD 1 with the recommended revision.

The Honorable Chris Lee, Chair
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June 29, 2020

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. P. Neves', with a stylized flourish extending to the right.

MANUEL P. NEVES
Chair

MPN/LR:cn

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

June 29, 2020



The Honorable Chris Lee, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 433
Honolulu, Hawai'i 96813

Dear Chair Lee:

Subject: S.B. 2130, SD 1, RELATING TO THE STATE FIRE CODE
Hearing Date: Monday, June 29, 2020
Time/Place of Hearing: 2:00 p.m., Conference Room 325

I am Darren J. Rosario, Vice Chairman 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 stand in strong support of SB 2130, SD 1. This bill proposes to amend the adoption process of the state fire code to conform to other State building codes.

Compliance with the requirements of Hawaii Revised Statutes (HRS) HRS §107-24 (c), Chapters 91 and 92 is one of the SFC's responsibilities. Chapter 91 requires public hearings that cost approximately \$2,000 to post public notices in the five different Hawaii news publications. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum. This bill would provide measures to provide the public with adequate comment opportunities in lieu of the current requirements.

On behalf of the Hawai'i Fire Department, I support the written testimony being submitted by State Fire Council Chair Manuel Neves in its entirety.

Please do not hesitate to call me at 932-2903 or darren.rosario@hawaiicounty.gov should you have any questions. Thank you for the opportunity to provide testimony in support of SB 2130, SD 1.

Respectfully,

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

DARREN J. ROSARIO
Fire Chief





KAUA'I FIRE DEPARTMENT
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

SOLOMON K. KANOHO
ACTING FIRE CHIEF

Testimony of Solomon K. Kanoho
Acting Fire Chief, Kaua'i Fire Department

Before the
Committee on Judiciary
June 29, 2020; 2:00 pm
Conference Room 325

In consideration of
Senate Bill 2130, SD 1
Relating to the State Fire Code

LATE

Honorable Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The State Fire Council (SFC) and the Kaua'i Fire Department (KFD) **support** SB 2130, SD 1, 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 navigating through the numerous steps in the administrative rules process, including public hearings that cost approximately \$2,000 to post notices in the five different Hawaii news publications. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum.

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The SFC and the KFD urge your committee's support on the passage of SB 2130, SD 1 with the recommended revision.

Should you have questions, please contact KFD Fire Prevention Captain Darryl Date at 241-4982 or ddate@kauai.gov.

Sincerely,



Solomon K. Kanoho
Acting Fire Chief

SKK/DD:st

