

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE EUSTAQUIO  
DEPUTY DIRECTOR

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February 24, 2020

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

Dear Chair Lee:

Subject: House Bill (HB) 1756 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 HB 1756, 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. The administrative rules process is cumbersome and time-consuming in addition to the time and effort it takes to review and amend the national fire code. 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 State building codes, it must also be approved by the State Building Code Council (SBCC) after being approved by the SFC. Other 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:

The Honorable Chris Lee, Chair  
Page 2  
February 24, 2020

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 1756.

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

Sincerely,



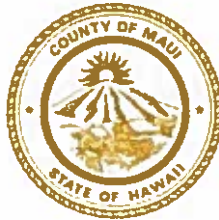
MANUEL P. NEVES  
Chair

MPN/LR:cn

**MICHAEL P. VICTORINO**  
Mayor

**DAVID C. THYNE**  
Fire Chief

**BRADFORD K. VENTURA**  
Deputy Fire Chief



**DEPARTMENT OF FIRE & PUBLIC SAFETY**  
COUNTY OF MAUI  
200 DAIRY ROAD  
KAHULUI, HI 96732

February 24, 2020

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

Dear Chair Lee:

Subject: House Bill (HB) 1756 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 HB 1756, which proposes to amend the adoption process of the state fire code to conform to other State building codes.

One of 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 \$2,000.00 to post public notices in the five different Hawaii news publications. The administrative rules process is cumbersome and time-consuming in addition to the time and effort it takes to review and amend the national fire code. 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 state building codes, it must be approved by 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 investigation Committee meetings that initially review and amend the national fire code
3. Notify state fire code stakeholders during the review and adoption process

The Honorable Chris Lee, Chair

Page 2

February 24, 2020

The SFC and MFD urge your committee's support on the passage of HB 1756.

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. DAHLIG, MANAGING DIRECTOR**

**ROBERT F. WESTERMAN**  
**FIRE CHIEF**

**Testimony of Robert F. Westerman**  
**Fire Chief, Kaua'i Fire Department**

**Before the**  
**Committee on Judiciary**  
**February 25, 2020; 2:00 pm**  
**Conference Room 325**

**In consideration of**  
**House Bill 1756 HD1**  
**Relating to State Fire Code**

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** HB 1756 HD1, 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 Hawai'i 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 Hawai'i news publications. The administrative rules process is cumbersome and time-consuming in addition to the time and effort it takes to review and amend the national fire code. 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 State building codes, it must also be approved by the State Building Code Council (SBCC) after being approved by the SFC. Other 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 KFD urge your committee's support on the passage of HB 1756 HD1.

[www.kauai.gov](http://www.kauai.gov)

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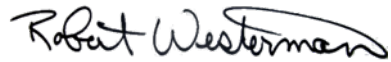
The Honorable Chris Lee, Chair

Page 2

February 24, 2020

Should you have questions, please contact KFD Fire Prevention Captain Darryl Date at 241-4982 or [ddate@kauai.gov](mailto:ddate@kauai.gov).

Sincerely,



Robert F. Westerman  
Fire Chief

RFW/DD:st





**HOUSE COMMITTEE ON JUDICIARY  
State Capitol, Conference Room 325  
415 South Beretania Street  
2:00 PM**

February 25, 2020

RE: HOUSE BILL NO. 1756, H.D. 1, RELATING TO THE STATE FIRE CODE

Chair Lee, Vice Chair San Buenaventura, and members of the committee:

My name is Dwight Mitsunaga, 2020 President 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 strongly opposed to H.B. 1756**, which proposes to amend the process for adoption of the state fire code.

The purpose of the bill 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 require the state fire code to be adopted pursuant to chapter 92, Hawaii Revised Statutes, which is more of an governmental administrative process, thus does not require public input.

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 such as these add to the cost of housing, which in Hawaii is already unaffordable for many local families.

We are finding more and more mandates which impact housing affordability hidden in various codes that are being adopted at the national level with very little, if any, public input. Agencies and manufacturers who benefit from the new codes have been actively involved at the national level. Once the new codes are adopted at the national level, the state and/or county could amend the code prior to adoption at the local level. The state review is conducted by the State Building Code Council, made up of a majority of government interests. The only real public opportunity to comment is at the county level where the respective County Council must adopt the new code.

We would caution against disallowing 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 all new one and two family dwellings, will have a significant impact on future home prices.

We are strongly opposed to H.B. 1756 and appreciate the opportunity to express our views on this matter.

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