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SCOTT T. MURAKAMI
DIRECTOR

ANNE EUSTAQUIO
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

March 9, 2020

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: House Bill (HB) 1756 House Draft (HD) 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 HB 1756 HD 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, 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, Chapter 91 requires compliance with the administrative rules process. This 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. This bill will not change this provision.

An Investigative Committee (IC), appointed by the SFC with representatives from each county, initially reviews and amends the national fire code in meetings open to the public. The SFC reviews the proposed state fire code recommended by the IC; and submits its approved version to the State Building Code Council (SBCC) for further review and approval. Other State building codes, which include building, residential, plumbing, energy, and electrical codes, are adopted by the SBCC under Chapter 92 without public hearings or the administrative rules process.

The Honorable Clarence Nishihara, Chair
Page 2
March 9, 2020

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 IC and SFC meeting minutes that initially review and amend the national fire code
3. Notify state fire code stakeholders during the review and adoption process of the SBCC

The SFC and the HFD urge your committee's support on the passage of HB 1756 HD1.

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:cn



SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
State Capitol, Conference Room 229
415 South Beretania Street
1:30 PM

March 10, 2020

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

Chair Nishihara, Vice -Chair Wakai, 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 would be exempt from 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.

HB-1756-HD-1

Submitted on: 3/7/2020 10:14:05 AM

Testimony for PSM on 3/10/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB1756. Fire codes are essential to protecting Hawaii residents from building fires and fires in general, which are becoming more frequent due to droughts.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui



**KAUA'I FIRE DEPARTMENT
THE COUNTY OF KAUA'I**

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

LATE

**ROBERT F. WESTERMAN
FIRE CHIEF**

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

Before the
Committee on Consumer Public Safety, Intergovernmental and Military Affairs
March 10, 2020; 1:30 pm
Conference Room 229

In consideration of
House Bill 1756 HD 1
Relating to the State Fire Code

Honorable Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The State Fire Council (SFC) and the Kaua'i Fire Department (KFD) **support** HB 1756 HD 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 public hearings that cost approximately \$2,000 to post public notices in the five different Hawaii news publications. In addition, Chapter 91 requires compliance with the administrative rules process. This 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. This bill will not change this provision.

An Investigative Committee (IC) appointed by the SFC with representatives from each county initially reviews and amends the national fire code in meetings open to the public. The SFC then approves the proposed state fire code as recommended by the IC before submitting it to the State Building Code Council (SBCC) who further reviews and approves the proposed state fire code. Other State building codes, which include building, 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 IC and SFC meetings that initially review and amend the national fire code

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The Honorable Clarence Nishihara, Chair

Page 2

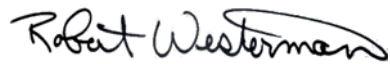
March 9, 2020

3. Notify state fire code stakeholders during the review and adoption process of the SBCC

The SFC and the HFD urge your committee's support on the passage of HB 1756 HD1.

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

Sincerely,



Robert F. Westerman
Fire Chief

RFW/DD:st

