

Linda Lingle  
Governor



Darwin L.D. Ching  
Director

**STATE OF HAWAII**  
**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**State Fire Council**  
830 Punchbowl Street  
Honolulu, Hawaii 96813

February 17, 2010

The Honorable Marcus Oshiro, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Oshiro:

Subject: H.B. 2092 Relating to Public Safety

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support H.B. 2092, which proposes to establish a Reduced Ignition Propensity Cigarette (RIPC) Program special fund for the SFC from certification fees.

In 2009, approximately \$233,000 were collected as a regulatory fee for the SFC to accomplish the following:

1. Adopt administrative rules for program implementation, establish compliance inspections, and approve forms and enforcement procedures and guidelines.
2. Receive, verify, and approve certifications for approximately 600 different brands of cigarettes from various manufacturers.
3. Compile a list of all the approved brands, verify it with the Office of the Attorney General for state tax stamp compliance, and post it on a state website.
4. Review and approve, as needed, any alternative test methods or fire standard compliance markings submitted by a manufacturer.

William P. Kenoi  
Mayor



Darryl J. Oliveira  
Fire Chief

Glen P. I. Honda  
Deputy Fire Chief

## County of Hawai'i

### FIRE DEPARTMENT

25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720  
(808) 932-2900 • Fax (808) 932-2928

February 18, 2010

TO : REPRESENTATIVE MARCUS R. OSHIRO, CHAIR, COMMITTEE ON  
FINANCE

FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT


SUBJECT: HB 2092 RELATING TO PUBLIC SAFETY  
DATE/TIME OF HEARING: FRIDAY, FEBRUARY 19, 2010, 2:00 P.M.  
COPIES REQUESTED: 2

As the Fire Chief for the County of Hawaii, I would like to ask for your support of HB 2092 which would establish the Reduced Ignition Propensity Cigarettes Program Special fund and authorize the establishment of staff positions for the State Fire Council to accomplish its duties and responsibilities.

The State Fire Council currently has one part-time staff employee funded by the state, who is already tasked with other council duties, including application/ administration of training grants, state fire code adoption process, legislation, coordination of council meetings, and other daily council duties.

On behalf of the Hawaii Fire Department, I request your committee's support on the passage of HB 2092 with the recommended revision to effectively administer this important program that will reduce the number fires caused by cigarettes in our state and allow the State Fire Council to employ personnel.

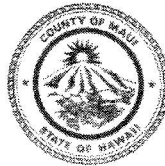
Sincerely,

  
DARRYL OLIVEIRA  
Fire Chief

DO:lk



CHARMAINE TAVARES  
MAYOR



JEFFREY A. MURRAY  
CHIEF

ROBERT M. SHIMADA  
DEPUTY CHIEF

**COUNTY OF MAUI**  
**DEPARTMENT OF FIRE AND PUBLIC SAFETY**

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919

February 17, 2010

The Honorable Marcus Oshiro, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Oshiro:

Subject: H.B. 2092 Relating to Public Safety

I am Jeffrey A. Murray, Fire Chief of the County of Maui Department of Fire and Public Safety (MFD) and a Member of the State Fire Council (SFC). The MFD and the SFC support H.B. 2092, which proposes to establish a Reduced Ignition Propensity Cigarette (RIPC) Program special fund for the SFC from the certification fees.

In 2009, approximately \$233,000 was collected as a regulatory fee for the SFC to accomplish the following:

1. Adopt administrative rules for program implementation, establish compliance inspections, and approve forms and enforcement procedures and guidelines.
2. Receive, verify, and approve certifications for approximately 600 different brands of cigarettes from various manufacturers.
3. Compile a list of all the approved brands, verify it with the Office of the Attorney General for state tax stamp compliance, and post it on a state website.
4. Review and approve, as needed, any alternative test methods or fire standard compliance markings submitted by a manufacturer.
5. Submit compliance tests to an accredited lab to verify that performance standards have been met, if needed.

The Honorable Marcus Oshiro, Chair  
Page 2  
February 17, 2010

Because the fees are collected every three years, the SFC strongly recommends that Section 132C (b) of the bill be amended to read as follows:

"Subject to legislative authorization, the state fire council may expend moneys from the fund to defray the actual cost of activities and requirements provided in subsections 132-16(c) and 132C-4(a); provided that all unencumbered and unexpended moneys in excess of \$ remaining on balance in the reduced ignition propensity cigarette program special fund at the close of June 30 ~~of each year~~ every three years shall lapse to the credit of the state general fund."


This suggested amendment was noted in House Standing Committee Report No. 243-10 by the Committee on Public Safety.

H.B. 2092 also seeks to allow the SFC to employ personnel to administer its duties and responsibilities. The SFC currently has one part-time staff employee funded by the state, who is already tasked with other council duties, including application/administration of training grants, state fire code adoption process, legislation, coordination of council meetings, and other daily council duties.

The MFD and the SFC request your committee's support on the passage of H.B. 2092 with the recommended revision to effectively administer this important program that will reduce the number fires caused by cigarettes in our state and allow the SFC to employ personnel.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,



JEFFREY A. MURRAY  
Fire Chief

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE HOUSE COMMITTEE ON FINANCE  
ON  
HOUSE BILL NO. 2092

February 19, 2010

RELATING TO PUBLIC SAFETY

House Bill No. 2092 creates the Reduced Ignition Propensity Cigarettes Program Special fund and authorizes the establishment of two staff positions for the State Fire Council to accomplish its duties and responsibilities. The special fund will receive a \$375 fee every three years from manufacturers on a staggered basis for certification testing that is estimated to generate \$100,000 annually. The measure authorizes the State Fire Council to expend an unspecified amount to cover personnel and program costs.

As a matter of general policy, this department does not support the creation of any special or revolving fund which does not meet the requirements of Sections 37-52.3 and 37-53.4 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. Although the State Fire Council is authorized to annually adjust the certification fee, it is difficult to determine whether the fund will be self-sustaining.