

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
WAYS AND MEANS

Wednesday, April 3, 2024  
10:30 AM

State Capitol, Conference Room 211 & Videoconference

In consideration of  
HOUSE BILL 1886 HOUSE DRAFT 1 SENATE DRAFT 1  
RELATING TO FIRE PROTECTION

House Bill 1886 House Draft 1 Senate Draft 1 proposes authorizing the use of the Reduced Ignition Propensity Cigarette Program Special Fund to support the State Fire Council (Council) and its programs and activities, including hiring administrative personnel. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

The Department's Division of Forestry and Wildlife (DOFAW) is the primary responder for wildland fires across 1,368,002 acres or about 26% of the land area of the State including forest and natural area reserves, wildlife sanctuaries, and public hunting areas, and supports federal and county responders on urban interface lands. DOFAW is a member of the Council and supports increased funding to the Council through the Fund for the Council staff to meet the increased demands upon the Council. The funds would provide for statewide educational efforts to protect life, property, and the environment, such as the statewide firefighter safety guide program for Hawai'i's youth and the residential smoke alarm installation program for Hawai'i's at-risk senior population.

Mahalo for the opportunity to provide testimony in support of this measure.



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1886, H.D. 1, S.D. 1, RELATING TO FIRE PROTECTION.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Wednesday, April 3, 2024      **TIME:** 10:30 a.m.

**LOCATION:** State Capitol, Room 211 and Videoconference

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Adam S. Rosenberg, or  
Jack W. Relf, Deputy Attorneys General, at 808-586-1450)

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Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill amends section 132C-9, Hawaii Revised Statutes (HRS), to expand the uses of the reduced ignition propensity cigarette program (RIPCP) special fund to include defraying "the cost of statewide fire prevention, education, life safety, and preparedness programs, especially as those programs relate to youth, seniors, and persons with disabilities, including the hiring of administrative personnel." (Page 3, line 20, through page 4, line 2). The RIPCP special fund is administered and expended by the State Fire Council (SFC).

Regarding the administrative personnel to be hired using RIPCP special funds, it appears from Standing Committee Report No. 3098 that the Committee on Public Safety and Intergovernmental and Military Affairs intended to provide for the employment of those personnel without regard to chapters 76 and 89, HRS (Stand. Com. Rep. No. 3098 at 2), but the bill actually exempts those positions from "chapters 76-89", which may be read to mean "chapters 76 through 89" (page 7, line 17). Exempting employees from chapters 76 through 89, HRS, would remove requirements such as becoming residents of the State within a certain time frame (with some exceptions) (section 78-1, HRS) and abiding by the standards of conduct and code of ethics governing state employees (chapter 84, HRS), and could be interpreted to make

those employees ineligible for benefits such as state pension and retirement systems (chapter 88, HRS) and tax deferred compensation plans (chapter 88D, HRS). If the intent was to exempt administrative personnel from only chapters 76 and 89, HRS, we recommend amending the bill to change "chapters 76-89" on page 7, line 17, to "chapters 76 and 89."

Further, if the intent is to exempt the administrative personnel positions from the civil service under chapter 76 for longer than three years, then we recommend amending section 76-16(b), HRS, to add the administrative personnel positions as exempt from chapter 76. (See section 76-16(b)(17)(A), HRS).

Thank you for the opportunity to provide these comments.

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LIEUTENANT GOVERNOR



JADE T. BUTAY  
DIRECTOR

WILLIAM G. KUNSTMAN  
DEPUTY DIRECTOR

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KA MOKU'ĀINA O HAWAII  
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April 1, 2024

The Honorable Donovan Dela Cruz, Chair  
Committee on Ways and Means  
State Senate  
State Capitol, Room 208  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz:

Subject: House Bill (HB) 1886, House Draft (HD) 1, Senate Draft (SD) 1, Relating to Fire Protection

I am Kazuo Todd, Chair of the Hawaii State Fire Council (SFC). The SFC supports HB 1886, HD1, SD1, which authorizes the use of the reduced ignition propensity cigarette program special fund to support the State Fire Council and its programs and activities, including the hiring of administrative personnel.

Based on questions from David Tarnas, Chair of the Committee on Judiciary and Hawaiian Affairs during the committee's hearing on February 8 and consultation from the Deputy Attorney General; the SFC recommends deferment of this measure. §132C-9 does not permit use of the RIPC special funds for the purpose(s) the SFC envisioned when drafting this proposal.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

Handwritten signature of Kazuo Todd.

KAZUO TODD  
Chair

KT/GL: