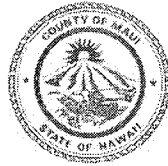


LATE TESTIMONY

CHARMAINE TAVARES
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

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March 9, 2010

The Honorable Will Espero, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 207
Honolulu, Hawaii 96813

The Honorable Rosalyn Baker, Chair
Committee on Commerce and Consumer Protection
House of Representatives
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chairs Espero and Baker:

Subject: H.B. 2092, H.D. 1 Relating to Public Safety

I am Jeffrey A. Murray, Fire Chief of the County of Maui Department of Fire & Public Safety (MFD) and a Member of the State Fire Council (SFC). The SFC and the MFD support H.B. 2092, H.D. 1, which proposes to establish a Reduced Ignition Propensity Cigarette (RIPC) Program special fund for the SFC from certification fees. The SFC believes there is a clear nexus between the benefits sought and the charges made upon the users or beneficiaries of this program.

Since September 2009, \$259,500 has been 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.

The Honorable Espero and Baker, Chairs

Page 2

March 9, 2010

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.

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, H.D. 1 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, the state fire code adoption process, legislation, coordination of council meetings, and other daily council duties.

The SFC and the MFD request your committee's support on the passage of H.B. 2092, H.D. 1, 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. Without this enabling legislation the SFC will be unable to effectively administer this important statewide program.

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

Sincerely,


JEFFREY A. MURRAY
Fire Chief