

HB 2092 HD1

Measure Title:
RELATING TO PUBLIC SAFETY.

Report Title:
Establishes the Reduced Ignition Propensity Cigarettes Program Special Fund, and authorizes the establishment of staff positions for the State Fire Council to accomplish its duties and responsibilities. Effective July 1, 2020.

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

March 9, 2010

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

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

Dear Chairs Baker and Espero:

Subject: H.B. 2092, H.D. 1 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, 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 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.

The Honorable Rosalyn Baker, Chair
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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 HFD request your committee's support of H.B. 2092, H.D. 1, with the above-mentioned recommended revision to effectively administer this important program that will reduce the number of fires caused by cigarettes in our state and allow the SFC to employ personnel. Without this legislation, the SFC will not be able to effectively administer this important statewide program.

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

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:jl

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON PUBLIC SAFETY AND MILITARY AFFAIRS
AND COMMERCE AND CONSUMER PROTECTION
ON
HOUSE BILL NO. 2092, H.D. 1

March 11, 2010

RELATING TO PUBLIC SAFETY

House Bill No. 2092, H.D. 1, 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 bill also appropriates an unspecified amount of general funds in FY 11. The measure authorizes the State Fire Council to expend an unspecified amount to cover personnel and program costs with unexpended funds of an unspecified amount to lapse to the general fund at the end of the fiscal year.

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.

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, Hawaii 96720
(808) 932-2900 • Fax (808) 932-2928

March 8, 2010

TO : SENATOR WILL ESPERO, CHAIR, COMMITTEE ON PUBLIC SAFETY
AND MILITARY AFFAIRS

SENATOR ROSALYN H. BAKER, CHAIR, COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT

SUBJECT: HB 2092, HD 1 RELATING TO PUBLIC SAFETY
DATE/TIME OF HEARING: THURSDAY, MARCH 11, 2010, 1:15 P.M.

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





COALITION FOR A
TOBACCO-FREE HAWAII

To: The Honorable Rosalyn H. Baker, Chair, Cmte on Commerce & Consumer Protection
The Honorable Will Espero, Chair, Cmte on Public Safety & Military Affairs
The Honorable David Y. Ige, Vice Chair, Cmte on Commerce & Consumer Protection
The Honorable Robert Bunda, Vice Chair, Cmte on Public Safety & Military Affairs
Members, Senate Joint Committee on Commerce & Consumer Protection and Public
Safety & Military Affairs
From: Trisha Y. Nakamura, Esq., Policy and Advocacy Director
Date: March 10, 2010
Hrg: Senate Joint Cmte on CPN/PSM; March 11, 2010 at 1:15 p.m. in Rm 229
Re: **Support for HB 2092 HD 1, Relating to Public Safety**

Thank you for the opportunity to comment in support of HB 2092 HD 1 which creates the "Reduced Ignition Propensity Cigarette Program Special Fund" to aid the State Fire Council in administering the requirements of the reduced ignition propensity cigarettes law (Act 218 of the 2008 Session Laws of Hawaii).

The Coalition for a Tobacco Free Hawaii (Coalition) is the only independent organization in Hawaii whose sole mission is to reduce tobacco use through education, policy and advocacy. The Coalition provides leadership for the tobacco control community, develops networks, helps coordinate tobacco control programs and builds community awareness.

In 2008, the Coalition testified in support of the measure that became the reduced ignition propensity cigarettes law. Reduced ignition propensity cigarettes will reduce harms caused by cigarette-smoking. Here, a reduction in the number of cigarette fires which are the leading causes of fire deaths and property damage in the United States.

The Coalition appreciates the Legislature's current effort to ensure thorough and appropriate implementation of the reduced ignition propensity cigarettes law by the State Fire Council. This measure provides the State Fire Council the ability to conduct activities pursuant to existing requirements regarding reduced-ignition cigarettes.

Thank you for the opportunity to provide comments in support of this measure.