



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

February 3, 2010

The Honorable Faye Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chair Hanohano:

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 the 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.

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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."

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 SFC and the HFD 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.

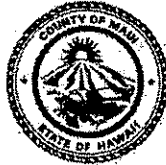
Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn

**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 2, 2010

The Honorable Faye P. Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chair Hanohano:

Subject: H.B. 2092 Relating to the 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 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. The 2009 collected fees, approximately \$233,000 for three years, were intended as a regulatory fee for the SFC to accomplish the following:

1. Adopt administrative rules for program implementation; establish compliance inspections, approved forms and enforcement procedures and guidelines.
2. Receive, verify and approve certifications for approximately 600 different brands of cigarettes from the manufacturers.
3. Compile a listing of all the approved brands, verify with attorney general's office for state tax stamp compliance and post 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 testing to an accredited lab to verify all 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© and 132C-4(a); provided that all

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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.”

H.B. 2092 also seeks to place into statute that the SFC may employ personnel to administer the duties and responsibilities of the council. 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 urge 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 of cigarette caused fires in our state and allow the council to employ personnel.

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

Sincerely,


JEFFREY A. MURRAY
Fire Chief



COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihue, Kaua'i, Hawaii 96766

February 2, 2010

The Honorable Faye P. Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chair Hanohano:

Subject: H.B. 2092 Relating to the Public Safety

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD support H.B. 2092, which proposes to establish a Reduced Ignition Propensity Cigarette (RIPC) Program special fund for the SFC from the certification fees. The 2009 collected fees, approximately \$233,000 for three years, were intended as a regulatory fee for the SFC to accomplish the following:

1. Adopt administrative rules for program implementation; establish compliance inspections, approved forms and enforcement procedures and guidelines.
2. Receive, verify and approve certifications for approximately 600 different brands of cigarettes from the manufacturers.
3. Compile a listing of all the approved brands, verify with attorney general's office for state tax stamp compliance and post 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 testing to an accredited lab to verify all performance standards have been met, if needed.

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“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© 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.”

H.B. 2092 also seeks to place into statute that the SFC may employ personnel to administer the duties and responsibilities of the council. 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 SFC and the KFD urge 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 of cigarette caused fires in our state and allow the council to employ personnel.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,



Robert Westerman
Fire Chief, County of Kaua’i

RFW/eld

WRITTEN ONLY

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

February 4, 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.