

# SB 2245

## **RELATING TO PUBLIC SAFETY**

*Description:*

Amends the reduced ignition propensity cigarette program special fund to allow appropriations by the legislature; appropriates \$400,000 from general funds to the reduced ignition propensity cigarette program special fund to implement the program and hire necessary staff.

NEIL ABERCROMBIE  
GOVERNOR



DWIGHT TAKAMINE  
DIRECTOR

AUDREY HIDANO  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8842 / Fax: (808) 586-9099  
Email: [dllr.director@hawaii.gov](mailto:dllr.director@hawaii.gov)

January 24, 2012

The Honorable Will Espero, Chair  
Committee on Public Safety, Government  
Operations, and Military Affairs  
The State Senate  
State Capitol, Room 231  
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 2245 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 S.B. 2245, which proposes to establish an appropriation into the Reduced Ignition Propensity Cigarette (RIPC) Program special fund with the following recommended revisions:

"SECTION 3. There is appropriated out of the general revenues of the State of Hawaii Temporary Deposits Account in the Trust Fund of the Department of Labor and Industrial Relations the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2012-2013 to be deposited into the reduced ignition propensity cigarette program special fund."

Since September 30, 2009, approximately \$444,000 was collected and intended as a regulatory fee for the SFC to implement, administer, and enforce the RIPC Program. The appropriation will be used to hire two full-time personnel to effectively 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. Verify and approve cigarette brands every three years.
3. Compile a list of approved brands, verify it with the Department of the Attorney General for state tax stamp compliance, and post it on a state website.

The Honorable Will Espero, Chair  
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4. Review and approve, as needed, alternative test methods or fire standard compliance markings submitted by a manufacturer.
5. Submit compliance tests to an accredited laboratory to verify that performance standards have been met, if needed.

The SFC, which is comprised of the four county Fire Chiefs, was created in 1979 to replace the State Fire Marshal's Office, which was a fully-funded state agency. Under the present organization, the SFC primarily uses county fire department personnel to accomplish its duties, thus depriving the county fire departments of the time and services of its members. These duties include amending and adopting the state fire code, applying for and administering federal fire-related grants, and implementing and administering a statewide RIPC Program.

The SFC staff consists of only one part-time person and is funded by the Department of Labor and Industrial Relations, to which the SFC is administratively attached. The SFC is a member of the State Building Code Council and participates in the state building code adoption process. The SFC also coordinates statewide training, data collection, and education and corresponds with national organizations on statewide fire issues. In addition, the SFC advises the Governor and the legislature on fire- and life-safety matters.

The purpose of the RIPC Program is to reduce the number of fires caused by cigarettes in the state. Fees are renewable by the cigarette manufacturers every three years and will help sustain the program.

The SFC and the HFD urge your committee's support on the passage of S.B. 2245.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,



KENNETH G. SILVA  
Chair

KGS/LR:cn

**William P. Kenoi**  
Mayor



**Darren J. Rosario**  
Fire Chief

**Renwick J. Victorino**  
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

January 24, 2012

The Honorable Will Espero, Chair  
Committee on Public Safety, Government Operations, and Military Affairs  
The State Senate  
State Capitol, Room 231  
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 2245 Relating to Public Safety

I am Darren J. Rosario, Fire Chief of the Hawaii Fire Department and member of the State Fire Council (SFC). On behalf of the Hawaii Fire Department and as a member of the SFC, I support S.B. 2245, proposing to establish an appropriation into the Reduced Ignition Propensity Cigarette (RIPC) Program special fund.

The appropriation is needed to hire two full-time personnel to effectively carry out the requirements necessary of the SFC in implementing the RIPC. The reduction of fires originated by discarded cigarettes is the purpose of the RIPC program. The sustainability of the program will be by renewable fees charged to the cigarette manufacturers.

The SFC currently consists of only one, part-time, staff member. Since its inception to replace the State Fire Marshal's office, the SFC has not realized the full-funding earlier granted to the State Fire Marshal's Office. The SFC has been tasked with carrying out its multitude of duties with staffing from each of the four counties. These staff personnel hold positions within their respective county organizations. The workload imposed on these personnel takes them away from the required work of their county position.

The addition of two full-time personnel to the SFC will insure that the following are accomplished in implementing the RIPC program:

1. Adopt administrative rules for program implementation, establish compliance inspections, and approve forms and enforcement procedures and guidelines;



The Honorable Will Espero, Chair

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2. Receive, verify, and approve certifications for approximately 600 different brands of cigarettes from various manufacturers. Verify and approve cigarette brands every three years;
3. Compile a list of 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, 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.

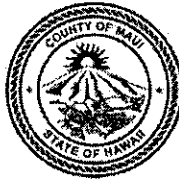
On behalf of the SFC, as a member, and the Hawaii Fire Department, I urge your committee's support on the passage of S.B. 2245.

Should you have any questions, please call me at 1-808-932-2901.

Sincerely,

Darren J. Rosario  
Fire Chief

ALAN M. ARAKAWA  
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  
EMAIL: fire.dept@mauicounty.gov

Amended Testimony

January 24, 2012

The Honorable Will Espero, Chair  
Committee on Public Safety, Government  
Operations, and Military Affairs  
The State Senate  
State Capitol, Room 231  
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 2245 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 MFD and the SFC support S.B. 2245, which proposes to establish an appropriation into the Reduced Ignition Propensity Cigarette (RIPC) Program special fund with the following recommended revisions:

"SECTION 3. There is appropriated out of the general revenues of the State of Hawaii Temporary Deposits Account in the Trust Fund of the Department of Labor and Industrial Relations the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2012-2013 to be deposited into the reduced ignition propensity cigarette program special fund."

Since September 30, 2009, approximately \$444,000 was collected and intended as a regulatory fee for the SFC to implement, administer, and enforce the RIPC Program. The appropriation will be used to hire two full-time personnel to effectively accomplish the following:

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The Honorable Will Espero, Chair

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The SFC, which is comprised of the four county fire chiefs, was created in 1979 to replace the State Fire Marshal's Office, which was a fully-funded state agency. Under the present organization, the SFC primarily uses county fire department personnel to accomplish its duties, thus depriving the county fire departments of the time and services of its members. These duties include amending and adopting the state fire code, applying for and administering federal fire-related grants, and implementing and administering a statewide RIPC Program.

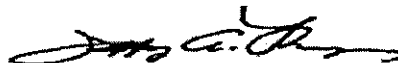
The SFC staff consists of only one part-time person and is funded by the Department of Labor and Industrial Relations, to which the SFC is administratively attached. The SFC is a member of the State Building Code Council and participates in the state building code adoption process. The SFC also coordinates statewide training, data collection, and education and corresponds with national organizations on statewide fire issues. In addition, the SFC advises the Governor and the legislature on fire- and life-safety matters.

The purpose of the RIPC Program is to reduce the number of fires caused by cigarettes in the state. Fees are renewable by the cigarette manufacturers every three years and will help sustain the program.

The MFD and the SFC urge your committee's support on the passage of S.B. 2245 with the recommended revision.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,



JEFFREY A. MURRAY  
Fire Chief

**Bernard P. Carvalho, Jr.**  
Mayor



**Robert F. Westerman**  
Fire Chief

**Gary K. Heu**  
Managing Director

**John T. Blalock**  
Deputy Fire Chief

**KAUA'I FIRE DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766  
TEL (808) 241-4980 FAX (808) 241-6508

January 24, 2012

The Honorable Will Espero, Chair  
Committee on Public Safety, Government Operations, and Military Affairs  
The State Senate  
State Capitol, Room 231  
Honolulu, Hawaii 96813

Dear Chair Espero:

**Subject: S.B. 2245 Relating to 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 KFD and the SFC support S.B. 2245, which proposes to establish an appropriation into the Reduced Ignition Propensity Cigarette (RIPC) Program special fund with the following recommended revisions:

"SECTION 3. There is appropriated out of the general revenues of the State of Hawaii Temporary Deposits Account in the Trust Fund of the Department of Labor and Industrial Relations the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2012-2013 to be deposited into the reduced ignition propensity cigarette program special fund."

Since September 30, 2009, approximately \$444,000 has been collected that was intended as a regulatory fee for the SFC to implement, administer and enforce the RIPC program. The appropriation will be used to hire two full-time personnel to effectively accomplish the following:

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The Honorable Will Espero, Chair

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The purpose of the RIPC program is to reduce the number of fires caused by cigarettes in the state. Fees are renewable by the cigarette manufacturers every three years and will help sustain the program.

The KFD and the SFC urge your committee's support on the passage of S.B. 2245 with the recommended revision.

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