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GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



LEONARD HOSHIJO  
DIRECTOR

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DEPUTY DIRECTOR

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February 11, 2019

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 146 Relating to the State Fire Council

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support SB 146. This bill proposes to authorize the use of the Reduced Ignition Propensity Cigarette (RIPC) special fund to support the SFC and its programs and activities. It would define the process for random cigarette testing, manufacturer notification, and the appeals process for failed RIPC tests. It would also allow the SFC the flexibility in hiring additional full- or part-time employees within various position classifications.

The SFC was established by the Hawaii State (State) Legislature in 1979 to replace the State Fire Marshal's office. It is comprised of the four county Fire Chiefs and is administratively attached to the Department of Labor and Industrial Relations (DLIR).

In accordance with Hawaii Revised Statutes (HRS) Section 132, the SFC's primary mission is to develop and support a comprehensive fire service emergency management network for the protection of life, property, and the environment for the State. Through the collaborative and unified efforts of each county Fire Chief, the SFC promotes the standardization of fire service reporting, training, sharing of technology, resources, and best management practices. The SFC may advise and assist the county fire departments where appropriate; prescribe standard procedures and forms related to inspections, investigations, and reporting of fires; and advise the Governor and legislature on issues relating to fire prevention and protection, life safety, and other functions or activities of the various county fire departments.

Equal Opportunity Employer/Program  
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The Honorable Clarence Nishihara, Chair

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The SFC is responsible for reviewing a national fire code and adopting the Hawaii state fire code. It is responsible for administering federal fire-related grants, managing the RIPC program, and coordinating statewide fire training, education, and data collection. The SFC also oversees a statewide program for testing and certifying individuals who perform maintenance and testing of portable fire extinguishers, fire protection systems, and fire alarm systems.

Between 1979 and 2001, the SFC relied entirely on county personnel to accomplish its mission. In 2001, the Governor directed the DLIR to allocate \$35,000 to fund the SFC's first employee. In 2011, the legislature appropriated an additional \$71,000 for the SFC to hire two additional employees.

Hawaii's RIPC law took effect on September 30, 2009. Almost \$660,000 in RIPC certification fees were collected before a RIPC Program specialist was hired on January 16, 2014. Since then, a plan has been formulated and instituted to properly administer Hawaii's RIPC law. Beside paying for the program specialist's salary, money from the RIPC Special Fund has been used for compliance inspections, cigarette purchases, shipping costs (to certified laboratories), and testing fees. The average expenditure between 2014 and 2018 was \$115,000. However, during that same time period, certification fees received averaged \$124,500.

Each year for the past 30 years, more than 150,000 Fire Fighter's Safety Guide (FFSG), a booklet with fire and life safety information, are distributed to elementary schools statewide. Students have acknowledged that information learned through this program helped them properly escape and save family members during a fire. The HFD funds the FFSG's annual design, graphic art, and content.

Other educational training conducted by county fire departments include programs for senior fire and fall prevention, fire extinguisher training, fire evacuation planning and drills, health and safety fairs, career fair presentations, fire prevention week mural board exhibits, smoke alarm installations, youth fire setter intervention, and training for new and incumbent fire fighters in fire prevention, fire investigation, and safety. County funding for these programs is sometimes deficient or more often nonexistent.

The passage of SB 146 would allow 1) money in the RIPC special fund to be transferred to the SFC for many of these important programs that seek to prevent fire deaths, injuries, and property losses as a result of fire; and 2) the SFC to hire additional personnel to administer the duties and responsibilities of the SFC and the RIPC.

The SFC requests that the bill be amended to include an appropriation of \$150,000 for Fiscal Year (FY) 2020 and \$150,000 for FY21 in addition to the current amount designated to administer the RIPC program.

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The SFC requests that the bill be amended to include an appropriation of \$150,000 for Fiscal Year (FY) 2020 and \$150,000 for FY21 in addition to the current amount designated to administer the RIPC program.

The SFC believes that education is a key component for the prevention of all types of hazardous events, including fires, and training being a key element in the preparedness to effectively mitigate those incidents.

The SFC and the HFD urge your committee's support on the passage of SB 146.

Should you have any questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

Sincerely,



MANUEL P. NEVES  
Chair

MPN/LR:clc



**TESTIMONY TO THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS  
State Capitol, Conference Room 229  
415 South Beretania Street  
1:15 PM**

February 12, 2019

RE: SENATE BILLS NO. 145, RELATING TO THE STATE FIRE CODE; S.B. 147 RELATING TO THE STATE BUILDING CODE; S.B. 157 RELATING TO THE STATE BUILDING CODE

Chair Nishihara, Vice Chair Wakai, and members of the committee:

My name is Gladys Quinto Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is **opposed** to:

S.B. 145, which proposes to amend the process for adoption of the state fire code to conform with other Hawaii State Building Codes.

S.B. 147, which proposes to repeal the requirement for administrative rules in the adoption process of the State Building Codes.

S.B. 157, which proposes to repeal the requirement for the adoption of administrative rules relating to the adoption process of the State Building Code.

We understand that currently Section 132-3, Hawaii Revised Statutes (HRS), requires the state fire code to be adopted after public hearings are conducted pursuant to chapter 91. The purpose of these bills is to repeal the requirement for the state fire code to be adopted after public hearings pursuant to HRS chapter 91, and instead require the state fire code to be adopted pursuant to HRS chapter 92.

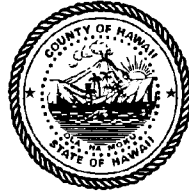
While the State Fire Council is looking to bypass their public hearing process and be part of the State Building Code Council hearing process, the State Building Code Council has various representatives of government and industry represented on the Council. The State Fire Council, on the other hand, only has fire department-related members. If the State Fire Council seeks to avoid the public hearing process for the State Fire Code, they should widen the membership of the Council to include other constituencies, such as industry and other government agencies. Otherwise, there would be **no transparency** in the amendment and adoption process for the State Fire Code.

At a time when there is a need for more government transparency, we question why the adoption of the fire code would be exempt from holding a public hearing. Government mandates made through the adoption of various building codes add to the cost of housing, which is already virtually unaffordable in Hawaii.

**We caution against allowing for a full public vetting of the State Fire Code prior to adoption as some of the elements in the code, such as mandating the installation of fire sprinklers in one and two family dwellings, will have a significant impact on future home prices.**

We are opposed to S.B. 145, S.B. 147, and S.B. 157 and appreciate the opportunity to express our views on this matter.

**Harry Kim**  
*Mayor*



**Darren J. Rosario**  
*Fire Chief*

**Lance S. Uchida**  
*Deputy Fire Chief*

**County of Hawai'i**  
**HAWAII FIRE DEPARTMENT**  
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720  
(808) 932-2900 • Fax (808) 932-2928

**LATE**

February 11, 2019

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 414  
Honolulu, Hawai'i 96813

Dear Chair Nishihara:

**Subject: S.B. 146, RELATING TO THE STATE FIRE COUNCIL**  
**Hearing Date: Wednesday, February 12, 2019**  
**Time/Place of Hearing: 1:15 p.m., Conference Room 229**

I am Darren J. Rosario, Member of the Hawai'i State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The SFC and the HCFD supports SB 146. This bill proposes to authorize the use of the Reduced Ignition Propensity Cigarette (RIPC) special fund to support the SFC and its programs and activities. It would define the process for random cigarette testing, manufacturer notification, and the appeals process for failed RIPC tests. It would also allow the SFC the flexibility in hiring additional full- or part-time employees within various position classifications.

The SFC was established by the Hawai'i State (State) Legislature in 1979 to replace the State Fire Marshal's office. It is comprised of the four county Fire Chiefs and is administratively attached to the Department of Labor and Industrial Relations (DLIR).

Hawai'i's RIPC law took effect on September 30, 2009. Almost \$660,000 in RIPC certification fees were collected before a RIPC Program specialist was hired on January 16, 2014. Since then, a plan has been formulated and instituted to properly administer Hawaii's RIPC law. The RIPC Special Fund has been used for the program specialist's salary, money from for compliance inspections, cigarette purchases, shipping costs (to certified laboratories), and testing fees. The average expenditure between 2014 and 2018 was \$115,000. However, during that same time period, certification fees received averaged \$124,500.

The passage of SB 146 would allow 1) money in the RIPC special fund to be transferred to the SFC for many of these important programs that seek to prevent fire deaths, injuries, and





**S.B. 146 Relating to the State Fire Council**  
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property losses as a result of fire; and 2) the SFC to hire additional personnel to administer the duties and responsibilities of the SFC and the RIPC.

The SFC requests that the bill be amended to include an appropriation of \$150,000 for Fiscal Year (FY) 2020 and \$150,000 for FY21 in addition to the current amount designated to administer the RIPC program.

The SFC and the HCFD urge your committee's support on the passage of SB 146.

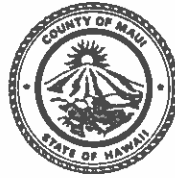
Please do not hesitate to call me at 932-2901 or [darren.rosario@hawaiicounty.gov](mailto:darren.rosario@hawaiicounty.gov) should you have any questions. Thank you for the opportunity to provide testimony in support of SB 146.

Respectfully,



DARREN J. ROSARIO  
Fire Chief

MICHAEL VICTORINO  
MAYOR



DAVID THYNE  
FIRE CHIEF

BRADFORD VENTURA  
DEPUTY FIRE CHIEF

**COUNTY OF MAUI  
DEPARTMENT OF FIRE & PUBLIC SAFETY**

200 DAIRY ROAD  
KAHULUI, HI 96732  
PHONE: (808) 270-7561  
FAX: (808) 270-7919

**LATE**

February 11, 2019

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and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

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**LATE**

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The SFC and the MFD urge your committee's support on the passage of SB 146.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

Sincerely,



DAVID C. THYNE  
Fire Chief

DCT/LR:clc