

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHAHA

February 9, 2023

To: The Honorable Glen Wakai, Chair,
The Honorable Brandon J.C. Elefante, Vice Chair, and
Members of the Senate Committee on Public Safety and
Intergovernmental and Military Affairs

Date: Friday, February 9, 2024
Time: 3:01 p.m.
Place: Conference Room 225, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 2085 RELATING TO STATEWIDE FIRE HELICOPTERS

Chairs Wakai, Vice Chair Elefante, and Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs:

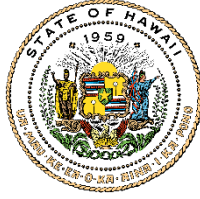
The DLIR offers comments on this measure that establishes a statewide firefighting helicopter program administered by the State Fire Marshal, which only takes effect if another bill passes that establishes the State Fire Marshall position. Numerous bills have been introduced to re-establish the position of the State Fire Marshal and/or a State Fire Marshal Office, many of them under the DLIR. The department believes it is not suited to house a statewide firefighting helicopter program.

The DLIR supports SB3098 that would re-establish the State Fire Marshal's Office within the DLIR but allow the Governor to nominate the State Fire Marshal along with resources and responsibilities to carry out the State Fire Marshal's Office. SB3098 would allow the State Fire Marshal to review and assess the fire risk to the State and review the emergency resources that are available in the State to be deployed to address fires.

Currently, the State Fire Council is administratively attached to the department through a Memorandum of Agreement (MOA) between the DLIR and the City and County of Honolulu. The DLIR is unaware as to why the State Fire Council is administratively attached to the department. The DLIR supports attaching the State Fire Marshall's Office to the DLIR at this time, but suggests further research and recommendations be derived for the appropriate, permanent placement of this office and this function within the Executive Branch.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
PUBLIC SAFETY AND INTERGOVERNMENTAL
AND MILITARY AFFAIRS

Friday, February 9, 2024
3:01 PM

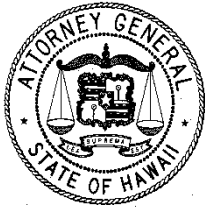
State Capitol, Conference Room 225 & Videoconference

In consideration of
SENATE BILL 2808
RELATING TO STATEWIDE FIRE HELICOPTERS

Senate Bill 2808 proposes establishing a statewide firefighting helicopter program administered by the State Fire Marshal. This bill appropriates funds to obtain helicopters, facilities, equipment, and supplies; hire and train staff; and complete other tasks necessary to ensure the program is ready to begin providing aerial firefighting services on July 1, 2025. This bill declares that the expenditure exceeds the State general fund expenditure ceiling for 2024-2025. This bill will only take effect if another bill establishes a State Fire Marshal position. **The Department of Land and Natural Resources (Department) supports this measure.**

Helicopters play a vital role in the suppression of fires in Hawai'i, given the nature of the state's geography, which includes remote valleys, cliffs, and densely forested regions. Current aerial resources at the county fire departments and contract resources that the Department relies upon have been unable to keep pace with Hawai'i's growing wildfire problem. Aerial resources from the State Department of Defense and the federal Department of Defense are extremely helpful but, depending upon deployment, are not always available. Given the distance from the continental United States and the short duration of the fires that Hawai'i experiences, ordering aerial fire suppression resources from other states is not feasible or effective. Establishing a State-funded and managed fire aviation program is crucial in progressing the State and county fire service's ability to suppress current and future fires that threaten our communities, rangelands, and forests.

Mahalo for the opportunity to comment on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2808, RELATING TO STATEWIDE FIRE HELICOPTERS.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND
MILITARY AFFAIRS

DATE: Friday, February 9, 2024 **TIME:** 3:01 p.m.

LOCATION: State Capitol, Room 225 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Jack W. Relf, Deputy Attorney General

Chair Wakai and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The title of this bill is "Relating to Statewide Fire Helicopters." The purpose of this bill is to establish a statewide firefighting helicopter program to be administered by the State Fire Marshal and to appropriate funds for the program.

Article III, section 14, of the Hawaii Constitution provides that "[e]ach law shall embrace but one subject, which shall be expressed in its title." The title of this bill relates to statewide fire helicopters, but the bill establishes positions to administer a "statewide firefighting program" (page 7, lines 6-8), which could be subject to constitutional challenge because that program would apparently address matters beyond statewide fire helicopters. *See Schwab v. Ariyoshi*, 58 Haw. 25, 34-35, 564 P.2d 135, 141 (1977) (holding that bills for which the substance does not fall within the scope of the title will be unconstitutional). To resolve this issue, we recommend replacing the reference in section 4 of the bill to the "statewide firefighting program" on page 7, lines 7-8, with "statewide firefighting *helicopter* program."

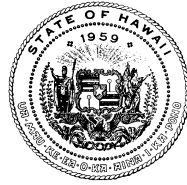
Similarly, in section 2 of the bill, in the new section of chapter 132, Hawaii Revised Statutes (HRS), the use of the terms "firefighting aircraft" (page 5, line 16), "aerial firefighting assets" (page 5, line 21), and "aerial firefighting aircraft" (page 6, lines

7-8) may also present constitutional challenges. We recommend those terms be changed to “firefighting helicopters.”

Additionally, in the new section of chapter 132, HRS, page 6, lines 3-4, the bill uses the term “department,” but does not define that term, and the term is not defined elsewhere in chapter 132, HRS. The use of the undefined term “department” could cause confusion as to what entities have control over the firefighting helicopters, especially because the term “state and county fire departments” is used elsewhere in the bill (page 5, lines 18-19). We recommend changing the word “department,” as used twice on page 6, at lines 3-4, to the term “state fire marshal.”

Thank you for the opportunity to provide these comments.

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



KENNETH S. FINK, M.D., M.G.A., M.P.H.
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KA LUNA HO'OKELE

STATE OF HAWAII
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Testimony COMMENTING on SB2808
RELATING TO STATEWIDE FIRE HELICOPTERS.

SEN. GLENN WAKAI, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND
MILITARY AFFAIRS

Hearing Date: February 9, 2024

Room Number: 225

- 1 **Fiscal Implications:** Unspecified general fund appropriation.
- 2 **Department Testimony:** The Department of Health (DOH) supports the intent to plan for a
- 3 statewide fire suppression helicopter program but wishes to inform the Legislature that the
- 4 Governor's Administrative Package includes a measure for a statewide medical helicopter
- 5 program: [SB3126](#).
- 6 There are makes and models of helicopters that may have multi-role capabilities such as medical
- 7 evacuation and aerial firefighting, but also search-and-rescue and law enforcement activities. It
- 8 may be more advantageous and cost-effective if the public policy discussion on a statewide fire
- 9 helicopter program and statewide aeromedical transport program are coordinated and cognizant
- 10 of each other.
- 11 Thank you for the opportunity to testify.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEES ON
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 225
Friday, February 9, 2024 AT 3:01 P.M.**

To The Honorable Senator Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice Chair
Members of the Committee on Public Safety and Intergovernmental and Military Affairs

SUPPORT SB2808 RELATING TO STATEWIDE FIRE HELICOPTERS

The Maui Chamber of Commerce supports the intent of **SB2808** but would like to share our thoughts on coordinating this bill with other efforts. Coming from Maui, we truly appreciate all of the efforts to help our island and the rest of our state given the lessons learned from the August 8 wildfires. However, we see a lot of overlap in proposed bills (bills on funding for fire equipment, fire marshal and elite firefighters and creating numerous boards and workgroups in SB2434, SB2356, SB2842, SB2143, etc.). There are many ideas addressing the same/similar solutions. There are some areas that appear to overlap in personnel and equipment and other ideas that may just need to be integrated into a comprehensive program. While we appreciate the intent of all wildfire-related bills, we feel these bills may be combined to create a more comprehensive plan, avoiding duplication, and overspending and getting a better return on our investment as taxpayers will be footing the bill for these new resiliency efforts.

Senate Bill 2356 (Establishes within the Department of Defense the position and duties of State Wildfire Marshal, the position and duties of State Wildfire Chief, the State Wildfire Corps, and the State Wildfire Fuel Reduction Task Force) is a bill that could encompass the cohesive and comprehensive plan.

For these reasons we **support SB2808**, but request that the Senate consider our comments on consolidation of bills into a comprehensive and coordinated plan.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



**Hawaiian
Electric**

**WRITTEN TESTIMONY BEFORE THE SENATE COMMITTEE ON
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS**

SB 2808

Relating to Statewide Fire Helicopters

February 9, 2024

3:01 PM

State Capitol, Conference Room 225

Jimmy D. Alberts
Senior Vice President & Chief Operations Officer
Hawaiian Electric

Dear Chair Wakai, Vice Chair Elefante, and Members of the Committee,

My name is Jimmy D. Alberts and I am offering written testimony on behalf of Hawaiian Electric **in support with comments** to SB 2808, Relating to Statewide Fire Helicopters.

Hawaiian Electric supports SB 2808 because it would expand the breadth of tools available for fighting wildfires in Hawai'i, where the unique geography and terrain of our islands compounds the challenges firefighters face. The bill would establish a dedicated statewide firefighting helicopter program to help address these challenges and enhance wildfire safety throughout the state. A dedicated statewide firefighting helicopter program would be an important addition to existing firefighting helicopters operated by the counties and the National Guard.

Hawaiian Electric respectfully suggests that the Legislature consider broadening the scope of the bill to encompass all aerial firefighting tactics, which would include fixed-wing aircraft. This would address a concern that in high wind events where the risk

of wildfire spread is greatest, a firefighting helicopter might not be able to operate, whereas a firefighting fixed-wing aircraft would still be able to fly. It is our understanding that fixed-wing firefighting aircraft are utilized in California and other areas of the mainland, and Hawai'i should consider adopting this best practice.

Thank you for this opportunity to testify in support with comments to SB 2808.

SB-2808

Submitted on: 2/5/2024 6:31:38 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael I Rice	Individual	Support	Remotely Via Zoom

Comments:

I fully support this bill, however I would like to see the wording change from simply helicopters, to all aircraft. Airplanes are in wide usage on the mainland for aerial firefighting.

While helicopters are certainly useful and should not be ignored, fixed wing aircraft can have their advantages. Typically fixed wing aircraft can carry more weight, fly at faster speeds for longer periods of time, and have a greater range than Helicopters of similar size. Water Bombers, as they are typically known, can also cover wider areas faster than helicopters can, there are even ones available that can land on the water and skim the surface to refill their water tanks, which would be very handy in a state surrounded by water.

I've had some difficulties trying to find information from the Honolulu Fire Department regarding the 'Bambi Buckets' they use on their helicopters. However for comparison, a waterbomber such as the Air Tractor Fireboss, a single seat, amphibious airplane, has a water capacity of 800 gallons, while a similar Bambi Bucket would hold 780 gallons and when loaded far exceeds the takeoff weight I can find for HFD's current helicopters.

From what information I have gathered, such aircraft are also used to help deter the spread of fire and help speed up the recovery of wildlands after a fire by spraying seeds and fertilizer. They could also be useful in other disasters and emergencies, such as an oil spill.