
A BILL FOR AN ACT

RELATING TO FIRE PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 185-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§185-7 Fire danger periods~~[, burning permits, setting~~
4 fires, penalties]; hazardous fire area. (a) During fire
5 danger periods ~~[of weather when the threat of fire is~~
6 ~~particularly dangerous]~~ within forest reserves, public hunting
7 areas, wildlife and plant sanctuaries, and natural area reserves
8 in any branch, the manager shall ~~[establish a fire danger period~~
9 ~~by causing a fire warning to be issued]~~:

10 (1) Establish hazardous fire areas by publishing a notice
11 containing ~~[information setting forth the]~~:

12 (A) The type of closure ~~[and a designation of the~~
13 ~~affected areas or by posting notices in public~~
14 ~~places with similar information.~~ During fire
15 ~~danger periods, the manager may:~~

16 ~~(1)~~ Totally];

17 (B) All restrictions;



- 1 (C) The areas that are designated hazardous fire
- 2 areas; and
- 3 (D) The duration of the fire danger period; and
- 4 (2) Totally close or [limit use] impose specific burning
- 5 restrictions within [an] each hazardous fire area[+
- 6 +2)].
- 7 (b) When determining what restrictions to impose within a
- 8 hazardous fire area, the manager may:
- 9 (1) Prohibit any burning;
- 10 (2) Prohibit the use or possession of any fireworks as
- 11 defined in section 132D-2;
- 12 (3) Prohibit smoking [in specified areas], including in
- 13 [automobiles] vehicles operating in the area; [and]
- 14 (4) Prohibit camping [in certain areas.
- 15 However];
- 16 (5) Prohibit the operation of any vehicle on or off any
- 17 street, road, or highway; and
- 18 (6) Prohibit or limit any activity that the manager deems
- 19 necessary to minimize the threat of fires.
- 20 (c) Notwithstanding subsection (a), in areas where fire
- 21 control operations are in progress, a manager may prohibit all



1 public access and use without prior notice for purposes of
2 effective fire control operations and public safety.

3 ~~[(b) The manager will minimize the threat of fires by
4 maintaining control through the issuance and management of
5 burning permits or the establishment of rules by the department,
6 pursuant to chapter 91.]~~

7 (d) On ~~[other]~~ any lands ~~[where]~~ that the department has
8 direct fire protection responsibility, as described in section
9 ~~[+]185-1.5[+]~~, and on adjoining property that offer a
10 significant threat to those lands, the department shall
11 establish agreements with the department ~~[+]of[+]~~ health to
12 require burning plans that are acceptable to the managers and
13 the county fire chief.

14 (e) The department shall adopt rules pursuant to chapter
15 91 to implement this section, including the issuance of permits
16 for any limited use restrictions established by a manager
17 pursuant to subsection (b). The issuance of permits shall be at
18 the discretion of the issuing officer ~~[who]~~. When issuing a
19 permit, the issuing officer shall take into account whether the
20 issuance of a permit is compatible with public safety.

21 (f) Holders of permits shall [start no]:



1 (1) Not start any fires during a heavy wind or without
2 sufficient help present to control same; and [~~shall~~
3 maintain]

4 (2) Maintain a constant watch over the fires until [~~they~~
5 have been] the fires are extinguished.

6 [~~(e)~~] (g) Any person who violates any restriction [~~of a~~
7 closure or any person who discards burning material within a
8 closed fire area, or, every person who sets a fire on land
9 within the closed fire area without a permit, or, every] imposed
10 under this section shall be guilty of a misdemeanor and subject
11 to a fine of not less than \$250 or more than \$4,000.

12 (h) Any person who wilfully, maliciously, or negligently
13 sets a fire [~~which~~] that burns property not owned, leased, or
14 controlled by the person shall be guilty of a misdemeanor[~~.—Any~~
15 person violating this section shall be fined] and subject to a
16 fine of not less than \$250 [~~nor~~] or more than \$4,000 and shall
17 be held liable for restitution for any suppression costs and
18 damages to public or private property. Setting fires [~~or~~],
19 causing [~~them~~] fires to be set, or allowing [~~them~~] fires to
20 escape shall be prima facie evidence of wilfulness, malice, or
21 negligence under this section; provided that nothing [~~herein~~
22 contained] in this section shall apply to a person who, in good



1 faith, sets a back fire to check a fire already burning. [A
2 ~~"closed fire area" is defined as]~~

3 (i) As used in this section:

4 "Fire danger period" means a period of weather when the
5 threat of fire is particularly dangerous on land.

6 "Hazardous fire area" means the area wherein a total
7 closure or a specific burning [~~restrictions are~~] restriction is
8 in effect during a fire danger period."

9 SECTION 2. (a) The department of land and natural
10 resources shall convene a task force to develop a statewide
11 hazardous fire area program similar to section 185-7, Hawaii
12 Revised Statutes, to enable the fire chief of each county,
13 during fire danger periods, to declare hazardous fire areas on
14 any lands that the department of land and natural resources has
15 direct fire protection responsibility, as described in section
16 185-1.5, Hawaii Revised Statutes, and on any adjoining public or
17 private property that offer a significant threat to those lands.
18 The task force shall be comprised of:

- 19 (1) A representative of the department of land and natural
20 resources;
- 21 (2) A representative of the department of health;
- 22 (3) A representative of the state fire council;



- 1 (4) The fire chief of each county; and
- 2 (5) Other interested stakeholders as the department of
- 3 land and natural resources deems necessary.
- 4 (b) The task force shall submit a report to the
- 5 legislature no later than twenty days prior to the convening of
- 6 the 2009 regular session.
- 7 (c) The task force shall cease to exist on January 31,
- 8 2009.

9 SECTION 3. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Urbano Canales

Cindy Evans
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JAN 17 2008



Report Title:

Fire Protection; Hazardous Fire Area

Description:

Requires a forestry and wildlife manager to declare hazardous fire areas during fire danger periods and impose restrictions on the use of certain land that the department of land and natural resources has direct fire responsibility. Establishes a task force to develop a statewide hazardous fire area program.

