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# A BILL FOR AN ACT

RELATING TO WILDFIRES.

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

1           SECTION 1. The legislature finds that as the risk of  
2 catastrophic wildfires in Hawaii has increased, so has the  
3 threat of property damage from such fires. Although most  
4 property owners have insurance, some do not, and others'  
5 insurance may not fully cover their losses.

6           The legislature further finds that when the cause of a  
7 wildfire is uncertain or contested, costly and protracted  
8 litigation ensues. Litigation regarding wildfire damages can  
9 impose massive costs, including on the State, counties,  
10 utilities, landowners, and other defendants that may be alleged  
11 to have contributed to catastrophic wildfires. Such costs can  
12 overwhelm these major institutions of the community, undermining  
13 their ability to make investments that the State needs. Indeed,  
14 even the possibility of litigation regarding a future  
15 catastrophic wildfire can create a cloud of uncertainty that  
16 threatens to impair the ability of these entities to attract  
17 capital on reasonable terms--capital that is vital to make



1 investments in wildfire prevention, among other priorities.

2 Such an outcome harms everyone.

3 The legislature also finds that the risk of property damage  
4 stemming from catastrophic wildfires may lead property insurers  
5 to raise rates or refuse to provide coverage for certain losses,  
6 or certain high-risk areas, of Hawaii--as occurred in the wake  
7 of hurricane Iniki with respect to hurricanes.

8 The legislature additionally finds that it is in the public  
9 interest to take steps to ensure that property insurance remains  
10 available to cover losses associated with wildfires by providing  
11 benefits to property insurers. Furthermore, the legislature  
12 finds that it is in the public interest to ensure that the  
13 threat of wildfires does not make investment in Hawaii's public  
14 utilities so financially risky that it becomes too costly or  
15 impossible for them to raise capital to implement vital plans,  
16 including plans to mitigate wildfire risk, and to provide safe,  
17 reliable, and affordable service to the people of the State.

18 Moreover, the legislature finds that it is in the public  
19 interest to avoid the costs of litigation arising out of  
20 catastrophic wildfires in order to protect Hawaii's economy and  
21 encourage investment in the State. Therefore, the purpose of



1 this Act is to serve the public interest in the event of a  
2 devastating wildfire by establishing a response to provide  
3 compensation for property damage resulting from wildfires,  
4 regardless of cause.

5 SECTION 2. The Hawaii Revised Statutes is amended by  
6 adding a new chapter to be appropriately designated and to read  
7 as follows:

8 **"CHAPTER**

9 **WILDFIRE RELIEF FUND**

10 § -1 **Definitions.** As used in this chapter:

11 "Administrator" means the wildfire relief fund  
12 administrator appointed pursuant to section -5.

13 "Board" means the wildfire relief fund board of directors  
14 created pursuant to section -4.

15 "Catastrophic wildfire" means a wildfire occurring on or  
16 after the effective date of this Act that damages or destroys  
17 more than five hundred residential or commercial structures.

18 "Contributor" means any person who contributes to the  
19 wildfire relief fund as provided in section -7.

20 "Corporation" means the wildfire relief fund corporation  
21 established pursuant to section -3.



1 "Electric utility" means a public utility that exists for  
2 the furnishing of electrical power.

3 "Investor-owned utility" means a public utility that is  
4 owned by shareholders and overseen by a board of directors  
5 elected by shareholders.

6 "Other governmental entities" refers to governmental  
7 entities, including county government agencies, other than state  
8 government agencies.

9 "Public utility" has the same meaning as in section 269-1.

10 "Wildfire relief fund" means the wildfire relief fund  
11 established pursuant to section -2.

12 § -2 **Wildfire relief fund; establishment.** (a) There  
13 shall be established outside the state treasury a wildfire  
14 relief fund and any accounts thereunder to carry out the  
15 purposes of this chapter.

16 (b) The wildfire relief fund shall be placed within the  
17 department of commerce and consumer affairs for administrative  
18 purposes. The wildfire relief fund shall be a public body  
19 corporate and politic.

20 (c) Moneys deposited in the wildfire relief fund and any  
21 accounts thereunder shall be held by the wildfire relief fund,



1 as trustee, in a depository, as defined in section 38-1, or  
2 according to a similar arrangement at the discretion of the  
3 board.

4 (d) All moneys received by the corporation under this  
5 chapter shall be paid immediately to the director of finance and  
6 shall become a part of the wildfire relief fund.

7 (e) All payments authorized to be made by the corporation  
8 by this chapter, including all payments for claims for  
9 catastrophic wildfire damages, all salaries, and all other  
10 expenses, shall be made from the wildfire relief fund.

11 (f) The moneys in the wildfire relief fund shall be  
12 invested according to the same investment plans developed for  
13 the Hawaii retirement savings special fund pursuant to chapter  
14 389, and the earnings from the investments shall be credited to  
15 the wildfire relief fund.

16 (g) All moneys in the wildfire relief fund shall be  
17 appropriated and expended exclusively for the uses and purposes  
18 set forth in this chapter; provided that this section shall not  
19 be deemed to amend or impair the force or effect of any law of  
20 this State specifically authorizing the investment of moneys  
21 from the wildfire relief fund.



1 (h) The wildfire relief fund shall not be subject to  
2 chapter 431.

3 § -3 **Wildfire relief fund corporation; establishment;**  
4 **purposes; duties.** (a) There shall be established the wildfire  
5 relief fund corporation, which shall be an independent public  
6 body and a body corporate and politic.

7 (b) The corporation shall be established within the  
8 department of commerce and consumer affairs for administrative  
9 purposes.

10 (c) The purpose of the corporation shall be to administer  
11 the payment of:

12 (1) Eligible claims arising from catastrophic wildfires  
13 from the wildfire relief fund; and

14 (2) Contributions of contributors to the wildfire relief  
15 fund.

16 (d) The corporation shall:

17 (1) Receive, process, and determine payments for eligible  
18 claims for property damage arising from catastrophic  
19 wildfires from the wildfire relief fund;

20 (2) Determine and enforce the collection of contributions  
21 from contributors to the wildfire relief fund;



- 1           (3) Retain, employ, or contract with officers; experts;  
2           employees; accountants; actuaries; financial  
3           professionals; and other advisers, consultants,  
4           attorneys, and professionals, as may be necessary in  
5           the administrator's judgment, for the efficient  
6           operation, management, and administration of the  
7           corporation;
- 8           (4) Enter into contracts and other obligations related to  
9           the operation, management, and administration of the  
10          corporation;
- 11          (5) Purchase insurance or take other actions to maximize  
12          the claims-paying resources of the wildfire relief  
13          fund;
- 14          (6) Pay costs, expenses, and other obligations of the  
15          corporation from the wildfire relief fund's assets;
- 16          (7) Take any actions necessary to collect any amounts owed  
17          to the wildfire relief fund; and
- 18          (8) Undertake other activities related to the operation,  
19          management, and administration of the wildfire relief  
20          fund, as approved by the board.



1           §   -4   **Wildfire relief fund corporation; board of**  
2 **directors.** (a) There shall be established a wildfire relief  
3 fund board of directors, which shall consist of           members  
4 appointed by the governor in accordance with section 26-34. The  
5 board shall be the policy-making body of the corporation. The  
6 board shall be responsible for adopting policies for the  
7 administration and operation of the wildfire relief fund and the  
8 performance of other duties and functions assigned to the  
9 wildfire relief fund, to the degree not specified in this  
10 chapter.

11           (b) The members of the board shall serve staggered terms,  
12 with one-half of the members' initial terms ending four years  
13 after the initial appointment, and one-half of the members'  
14 initial terms ending six years after the initial appointment.  
15 Thereafter, each member shall serve four-year terms. Vacancies  
16 shall be filled for the remainder of any unexpired term in the  
17 same manner as the original appointments.

18           (c) The chairperson of the board shall be elected from  
19 among the appointed members of the board. A majority of all  
20 members currently appointed to the board shall constitute a  
21 quorum to conduct business, and the concurrence of a majority of





1 all members currently appointed to the board shall be necessary  
2 to make any action valid, unless otherwise specified in this  
3 chapter.

4 (d) Members of the board shall be appointed to ensure:

5 (1) A broad and balanced representation, with proper  
6 judgment, character, expertise, skills, and knowledge  
7 useful to the oversight of the corporation; and

8 (2) Diversity with regard to viewpoints, background, work  
9 experience, and demographics.

10 The members of the board shall serve without compensation  
11 but shall be reimbursed for actual and necessary expenses,  
12 including travel expenses, incurred in the discharge of their  
13 duties.

14 (e) The board shall meet at least once every three months  
15 at a time and place determined by the board. The board shall  
16 meet at other times and places as determined by the call of the  
17 chairperson or by a majority of the members of the board.

18 (f) No later than twenty days before the convening of each  
19 regular session, the board shall submit to the legislature and  
20 governor a report regarding the activities and operations of the



1 corporation during the preceding year. The report shall  
2 include, at a minimum, a description of:

3 (1) The effectiveness of the wildfire relief fund's  
4 claims-payment process; and

5 (2) The level of participation in the wildfire relief fund  
6 by all eligible participants, including property  
7 owners, property insurers, and contributors.

8 (g) Each member of the board shall retain all immunities  
9 and rights provided to a member pursuant to section 26-35.5.

10 **§ -5 Wildfire relief fund corporation; administrator.**

11 (a) The board shall appoint an administrator and oversee the  
12 administrator's management and administration of the  
13 corporation.

14 (b) The administrator shall serve at the pleasure of the  
15 board and shall be exempt from chapter 76.

16 (c) The administrator shall have powers as are necessary  
17 to carry out the functions of the corporation, subject to the  
18 policy direction of the board.

19 (d) The administrator may employ, terminate, and supervise  
20 employees, including assistants, experts, field personnel, and



1 clerks, as may be necessary in the administration of the  
2 corporation.

3 (e) The board may overturn any decision of the  
4 administrator through a majority vote.

5 (f) At the direction of the board, the administrator shall  
6 prepare and present for approval a plan of operations related to  
7 the operations, management, and administration of the wildfire  
8 relief fund on an annual basis. At least annually and at the  
9 direction of the board, the administrator shall present the plan  
10 of operations to the appropriate policy committees of the  
11 legislature. The plan shall include but not be limited to  
12 reporting on the wildfire relief fund's assets and projections  
13 for the duration of the wildfire relief fund.

14 (g) At the direction of the board, the administrator shall  
15 at least annually prepare and publish on the corporation's  
16 website a public-facing report that describes the operations and  
17 activities of the corporation and wildfire relief fund during  
18 the preceding year, including a description of the financial  
19 condition of the wildfire relief fund.

20 § -6 **Wildfire relief fund and corporation; audit.** (a)

21 The auditor shall conduct an annual audit of the corporation and



1 wildfire relief fund pursuant to chapter 23. As part of this  
2 audit, the auditor may contract with a firm qualified to perform  
3 an independent actuarial review.

4 (b) The auditor shall determine the scope of the review  
5 required by this section, which shall include but not be limited  
6 to:

7 (1) A review of the sources and uses of the moneys in the  
8 wildfire relief fund;

9 (2) A reconciliation of changes in actuarial assumptions  
10 and reserve values from the preceding year;

11 (3) An examination of the development of claim reserve  
12 inadequacies or redundancies over time; and

13 (4) An assessment of the future financial viability of the  
14 wildfire relief fund.

15 (c) The corporation shall cooperate with the actuarial  
16 firm in all respects and shall permit the firm full access to  
17 all information the firm deems necessary for a true and complete  
18 review. Information provided to the actuarial firm conducting  
19 the annual review shall be subject to the same limitations on  
20 public inspections as are required for the records of the  
21 corporation.



1 (d) The audit required by this section shall be conducted  
2 using both generally accepted accounting principles and the  
3 statutory accounting principles published by the National  
4 Association of Insurance Commissioners.

5 (e) The cost of the audit required by this section shall  
6 be paid by the corporation.

7 (f) The auditor shall issue an annual report to the  
8 legislature and governor on the results of the audit and review.  
9 The audit and report of the review performed by the independent  
10 actuarial firm shall be available for public inspection, in  
11 accordance with the auditor's established rules and procedures  
12 governing public disclosure of audit documents.

13 § -7 **Wildfire relief fund; participation.** (a) The  
14 following entities may participate in the wildfire relief fund  
15 as contributors:

16 (1) The State;

17 (2) Electric utilities;

18 (3) Public utilities that are not electric utilities that  
19 contribute to the risk of occurrence or severity of a  
20 catastrophic wildfire, including but not limited to  
21 public utilities for the production, conveyance,



1 transmission, delivery, or furnishing of gas and for  
2 the conveyance of telecommunications messages;

3 (4) Other governmental entities; and

4 (5) Private landowners who own, or whose affiliated  
5 persons or entities own in the aggregate, at  
6 least acres of land in Hawaii.

7 (b) To participate in the wildfire relief fund, an entity  
8 shall:

9 (1) Notify the administrator that it intends to  
10 participate in the wildfire relief fund  
11 by in the year preceding the year in which  
12 the entity seeks to participate in the wildfire relief  
13 fund; and

14 (2) Have made required contributions to the wildfire  
15 relief fund pursuant to section -8.

16 (c) A contributor that is also a property owner in Hawaii  
17 may make a claim to the wildfire relief fund for compensation in  
18 the same manner provided for in section -13 as other property  
19 owners; provided that the contributor:

20 (1) Shall retain all of the rights, privileges, and  
21 obligations of a contributor; and



1 (2) Notwithstanding any other provisions of this chapter  
2 and regardless of the existence of a depletion event  
3 under section -16(c), shall be bound by the  
4 limitation on claims under section -18.

5 (d) Any person or entity that poses a risk of causing or  
6 exacerbating the severity of a catastrophic wildfire that is not  
7 eligible to participate as a contributor in the wildfire relief  
8 fund may submit an application to the board for participation.

9 (e) The board shall adopt rules pursuant to chapter 91 and  
10 issue criteria for applications submitted under subsection (d).

11 (f) The board shall include in its annual report to the  
12 legislature and governor under section -4 all applications  
13 submitted under subsection (d) and shall recommend to the  
14 legislature whether participation criteria for contributors  
15 should be broadened.

16 § -8 **Wildfire relief fund; funding.** (a) Total  
17 capitalization. The total capitalization amount of the wildfire  
18 relief fund shall be \$ . Neither the board nor the  
19 administrator may modify the total capitalization amount, except  
20 as otherwise expressly provided in this chapter.



1 (b) Actuarial study. The board shall commission an  
2 actuarial study to be completed in 2024 to assess whether the  
3 total capitalization amount should be increased or decreased  
4 based on a holistic assessment of the risk of catastrophic  
5 wildfires in Hawaii and the potential exposure of the wildfire  
6 relief fund to claims arising out of such catastrophic  
7 wildfires. The board shall include this assessment in the  
8 annual report that it submits to the legislature and governor  
9 under section -4.

10 (c) Time to total capitalization. The administrator shall  
11 recommend to the board, and the board shall, by majority vote,  
12 approve initial contribution amounts under \$ for  
13 potential contributors, other than the State and electric  
14 utilities, based on the actuarial factors identified in  
15 subsection (b) and with the goal of, to the extent reasonably  
16 possible, having the wildfire relief fund reach the total  
17 capitalization amount within five years of the effective date of  
18 this Act, taking into consideration reasonably expected  
19 investment returns and assuming no payments will be made by the  
20 wildfire relief fund during that time period.





1 (d) Capitalization amounts. With the exception of the  
2 contribution made by the State in paragraph (4), contribution  
3 amounts shall be divided by the administrator into an initial  
4 contribution amount to be made by , and annual  
5 contribution amounts to be made over a five-year period, subject  
6 to the administrator's ability to increase payments under the  
7 insufficient funding provision in subsection (g).

8 The wildfire relief fund shall be capitalized by the  
9 following contributions:

10 (1) From other governmental entities that are eligible to  
11 participate in the wildfire relief fund, an amount  
12 determined by the administrator based on an actuarial  
13 assessment of the risk of payments to these entities  
14 by the wildfire relief fund resulting from  
15 catastrophic wildfires created by the entities, as  
16 well as the risk of potential payments made by the  
17 wildfire relief fund resulting from catastrophic  
18 wildfires created by these entities;

19 (2) From public utilities other than electric utilities  
20 and private landowners that are in all cases eligible  
21 to participate in the wildfire relief fund, an amount



1 determined by the administrator based on an actuarial  
2 assessment of the risk of potential payments by the  
3 wildfire relief fund resulting from catastrophic  
4 wildfires created by these entities;

5 (3) From electric utilities, \$ ; provided that  
6 there shall be different contribution amounts required  
7 by investor-owned utilities and non-investor owned  
8 utilities, taking into account the differences in  
9 revenues and assets between the ownership models; and

10 (4) From the State, \$ .

11 (e) The board shall determine the contribution amounts of  
12 eligible contributors by ; provided that this date is  
13 thirty days before the date by which participants are required  
14 to notify the administrator of their intention to participate in  
15 the wildfire relief fund. If an eligible contributor declines  
16 to notify the administrator that the eligible contributor wishes  
17 to participate in the wildfire relief fund and become a  
18 contributor, the board shall reduce the total capitalization  
19 amount by subtracting the amount the board allocated to that  
20 eligible contributor.



1 (f) If an electric utility, public utility other than an  
2 electric utility, other governmental entity, or private  
3 landowner elects to become a contributor after the initial  
4 capitalization of the wildfire relief fund, the electric  
5 utility, public utility other than an electric utility, other  
6 governmental entity, or private landowner shall provide,  
7 by \_\_\_\_\_ in the year before the year in which the electric  
8 utility, public utility other than an electric utility, other  
9 governmental entity, or private landowner seeks to become a  
10 contributor, an initial contribution in an amount determined by  
11 the board by a majority vote upon the administrator's  
12 recommendation, based on an up-to-date consideration of the  
13 factors identified in subsection (b), such that the previous and  
14 present initial contributions by all contributors reflect their  
15 relative contributions to the risk of future payments from the  
16 wildfire relief fund.

17 If necessary to achieve such an allocation of initial  
18 contributions, and if the election is made before the fifth year  
19 of the wildfire relief fund's operation, the administrator shall  
20 reduce the amount of annual contributions by one or more  
21 contributors who previously made initial contributions until



1 such an allocation is reached. The administrator shall increase  
2 the total capitalization amount of the wildfire relief fund by  
3 the amount of the initial contribution of the new wildfire  
4 relief fund contributor. The administrator may, in the  
5 administrator's discretion, permit a new contributor under this  
6 subsection to make payments over a five-year period.

7 (g) Insufficient funding. If the administrator determines  
8 that payments made by the wildfire relief fund, and expected  
9 future contributions by contributors and investment returns,  
10 will result in the wildfire relief fund's: failing to reach the  
11 total capitalization amount, as adjusted, as applicable, under  
12 subsection (a), by the fifth year; or falling below the total  
13 capitalization amount after the fifth year--including, in either  
14 case, as a result of the legislature increasing the total  
15 capitalization amount--the administrator shall recommend that  
16 the board establish a supplemental contribution to be  
17 contributed to the wildfire relief fund. Responsibility among  
18 contributors for the supplemental contribution shall be  
19 allocated as follows:

20 (1) The administrator shall recommend to the board, and  
21 the board shall determine by majority vote, the



1            respective portions of the supplemental contribution  
 2            amount to be paid by each electric utility, public  
 3            utility other than an electric utility, other  
 4            governmental entity, and private landowner  
 5            contributor, based on an up-to-date assessment of the  
 6            factors identified in subsection (b); and

7            (2) The remaining amount of the supplemental contribution  
 8            shall be paid by the State, subject to legislative  
 9            appropriation.

10           (h) The administrator may allow contributors to pay  
 11 supplemental contributions via annual contributions, or in part  
 12 via an initial contribution followed by annual contributions,  
 13 unless the administrator determines that this contribution  
 14 schedule will create a material risk that the wildfire relief  
 15 fund will not reach or return to its total capitalization amount  
 16 within a reasonable period of time to perform the functions  
 17 identified in this chapter.

18           (i) If the board establishes a supplemental contribution  
 19 pursuant to subsection (g), before the wildfire relief fund  
 20 receives the supplemental contribution, the wildfire relief fund  
 21 may issue revenue bonds up to the amount of the supplemental



1 contribution, which shall be backed by future contributions to  
2 the wildfire relief fund.

3 (j) The board may order supplemental contributions under  
4 this chapter even if an investigation under the replenishment  
5 process under section -9 is ongoing. In the event that  
6 payments are later made under that replenishment process, the  
7 board, provided that other conditions of the refunds section are  
8 met pursuant to section -11, may refund supplemental  
9 contributions in whole or in part.

10 (k) Utility contribution. A public utility's  
11 contributions to the wildfire relief fund, including initial and  
12 supplemental contributions, shall not be recovered from its  
13 customers in rates.

14 (l) If the total amount of payments that the administrator  
15 determines should be paid in connection with a catastrophic  
16 wildfire pursuant to sections -13, -14, and -15 exceeds  
17 the current balance of the wildfire relief fund, the State may  
18 provide a loan to the wildfire relief fund. The loan shall be  
19 repaid over time through annual contributions by contributors.

20 **§ -9 Replenishment of the wildfire relief fund;**

21 **determination of prudence.** (a) If the administrator, or an



1 agency of the State with responsibility for determining the  
2 causes of wildfires or catastrophic wildfires, informs the  
3 public utilities commission that a catastrophic wildfire may  
4 have been ignited by the facilities of a public utility that is  
5 a contributor, the public utilities commission shall initiate a  
6 proceeding to review the public utility's conduct leading to the  
7 catastrophic wildfire and make findings. The public utilities  
8 commission may, even without formal notice from the  
9 administrator or the agency, initiate this proceeding of its own  
10 accord.

11 (b) The public utilities commission shall evaluate the  
12 prudence of the conduct of the public utility in connection with  
13 a catastrophic wildfire. The public utilities commission shall  
14 determine whether the public utility acted prudently,  
15 considering only acts that may have caused the ignition and  
16 evaluating the public utility's actions in the context of the  
17 public utility's overall systems, processes, and programs, such  
18 that an error by a public utility employee would not be a basis  
19 for a finding of imprudence, unless that error resulted from any  
20 imprudent system, process, or program.



1 (c) In evaluating prudence under this section, the public  
2 utilities commission shall determine whether the actions of the  
3 public utility were consistent with actions that a reasonable  
4 public utility would have undertaken in good faith under similar  
5 circumstances, at the relevant point in time, and based on the  
6 information available to the public utility at the relevant  
7 point in time.

8 Reasonable conduct shall not be limited to the optimum  
9 practice, method, or act to the exclusion of others, but rather  
10 shall encompass a spectrum of possible practices, methods, or  
11 acts consistent with utility system needs, the interest of  
12 ratepayers, and the requirements of governmental agencies of  
13 competent jurisdiction.

14 (d) If the public utilities commission determines that  
15 imprudent conduct by the public utility caused the catastrophic  
16 wildfire, the public utilities commission shall determine  
17 whether to order the public utility to reimburse the wildfire  
18 relief fund in whole or in part for payments from the wildfire  
19 relief fund made in connection with the catastrophic wildfire.  
20 In determining the amount of reimbursement, if any, the public  
21 utilities commission shall consider the extent and severity of





1 the public utility's imprudence and factors within and beyond  
2 the public utility's control that may have led to or exacerbated  
3 the costs from the catastrophic wildfire, including but not  
4 limited to humidity, temperature, winds, fuel, merged wildfires  
5 with independent ignitions, third-party actions that affected  
6 the spread of the wildfire, and fire suppression activities.

7 (e) The public utilities commission shall not order the  
8 public utility to reimburse the wildfire relief fund in an  
9 amount that exceeds the lesser of:

10 (1) The costs that the public utilities commission  
11 determines were due to the public utility's  
12 imprudence; or

13 (2) Twenty per cent of the public utility's transmission  
14 and distribution equity rate base minus the amounts  
15 the public utility has reimbursed, or is required to  
16 reimburse, the wildfire relief fund during the period  
17 of three consecutive calendar years ending on  
18 December 31 of the year in which the calculation is  
19 being performed.

20 (f) If the public utilities commission orders the public  
21 utility to reimburse the wildfire relief fund, the public



1 utility shall not recover the amount of the reimbursement in  
2 rates charged to ratepayers.

3 (g) If the administrator, or an agency of the State with  
4 responsibility for determining the causes of wildfires or  
5 catastrophic wildfires, concludes that the conduct of an other  
6 governmental entity or private landowner that is a contributor  
7 may have caused the occurrence or contributed to the severity of  
8 a catastrophic wildfire, the administrator shall assess the  
9 prudence of the contributor's conduct, applying the same  
10 standard of prudence applied to public utilities pursuant to  
11 subsection (c).

12 (h) If the administrator determines that the contributor  
13 acted imprudently and that the imprudence caused or contributed  
14 to the severity of the catastrophic wildfire, the administrator  
15 shall recommend that the board require the contributor to  
16 reimburse the wildfire relief fund in whole or in part for  
17 payments that the wildfire relief fund made in connection with  
18 the catastrophic wildfire, considering the factors set forth in  
19 subsection (d), subject to a cap of ten per cent of the  
20 contributor's assets within Hawaii, measured over a rolling  
21 three-year period.



1           §    **-10 Failure to make contributions to wildfire relief**  
2 **fund.** (a) Contributors shall notify the administrator if they  
3 will make, or fail to make, a required contribution, whether  
4 initial, annual, or supplemental, to the wildfire relief fund at  
5 least           days before the contribution is due.

6           (b) If a contributor fails to make a required contribution  
7 to the wildfire relief fund, that contributor will no longer be  
8 a contributor as of the date that the contribution was due.  
9 That entity may, however, rejoin the wildfire relief fund under  
10 the process for joining the wildfire relief fund after initial  
11 capitalization set forth in section       -8.

12           (c) The administrator shall not refund to an entity that  
13 fails to make a contribution any previous payments made to the  
14 wildfire relief fund. However, the administrator shall credit  
15 all previous contributions when determining the amount of  
16 payment to be made if a participant rejoins the wildfire relief  
17 fund under subsection (b).

18           §    **-11 Refunds.** (a) In the event that the total amount  
19 in the wildfire relief fund exceeds one hundred twenty per cent  
20 of the total capitalization amount, the administrator may  
21 recommend that the board authorize refunds to be made to the



1 contributors; provided that the refunds do not deplete the  
2 wildfire relief fund below one hundred twenty per cent of the  
3 total capitalization amount.

4 (b) Refunds shall be made in proportion to the total  
5 amount contributed by the contributors to the wildfire relief  
6 fund as of the date of the refund, excluding any payments made  
7 under the replenishment provisions under section -9.

8 (c) The administrator has no obligation to recommend, and  
9 the board has no obligation to authorize, a refund. The board  
10 shall make a refund only if it takes into consideration all  
11 relevant factors and circumstances and determines that making a  
12 refund will be unlikely to result in the wildfire relief fund's  
13 falling below one hundred twenty per cent of total  
14 capitalization within three years after the refund.

15 (d) Any contributor may request that the board make a  
16 refund whenever the conditions under this section are met.

17 (e) If the board elects to issue a refund or elects not to  
18 do so after receiving a request under subsection (d), the  
19 administrator shall issue an order explaining the board's  
20 decision.



1           §   **-12 Processing of claims.** (a) With the approval of  
2 the board, the administrator shall establish and approve  
3 procedures for the review, approval, and timely payment of  
4 claims for reimbursement from the wildfire relief fund. The  
5 procedures may be revised from time to time by the administrator  
6 with the approval of the board.

7           (b) In the event of a catastrophic wildfire within the  
8 State, the administrator shall process claims made for  
9 compensation against the wildfire relief fund related to the  
10 catastrophic wildfire, consistent with the requirements of this  
11 chapter.

12          §   **-13 Claims by property owners.** (a) To be eligible  
13 for compensation from the wildfire relief fund for damage to  
14 property from a catastrophic wildfire, a property owner shall  
15 not have opted out from participation in the wildfire relief  
16 fund before the occurrence of the catastrophic wildfire.

17          (b) County tax assessors shall include, with each real  
18 property tax assessment sent to a property owner in the State, a  
19 prominent notice regarding participation in the wildfire relief  
20 fund. The notice shall be in a form prescribed by the  
21 administrator and shall clearly explain the property owner's



1 right to opt out of participation in the wildfire relief fund by  
2 submitting a request to opt out to the administrator within a  
3 specific time. A property owner who does not submit a timely  
4 request to opt out shall be deemed to participate in the  
5 wildfire relief fund as of the deadline for submitting a request  
6 to opt out.

7 (c) Any costs of administering the process described in  
8 subsection (b) shall be reimbursed by the wildfire relief fund.

9 (d) In order to opt out of participation in the wildfire  
10 relief fund with regard to property either in areas within the  
11 State that have been assigned extreme, high, and moderate  
12 wildfire risk classes by \_\_\_\_\_, a property owner shall  
13 submit documentation of insurance coverage for the property  
14 along with the property owner's request to opt out of the  
15 wildfire relief fund, and the administrator shall approve the  
16 documentation as adequate evidence of insurance for the  
17 applicable property.

18 (e) Following a catastrophic wildfire, to make a claim for  
19 compensation from the wildfire relief fund for damage to  
20 property from the catastrophic wildfire, a property owner shall  
21 submit to the administrator documentation establishing:



1 (1) That the catastrophic wildfire damaged the owner's  
2 property;

3 (2) The extent of the losses to the owner's property  
4 caused by that catastrophic wildfire; and

5 (3) Any insurance policy providing coverage for those  
6 losses.

7 (f) Within ninety days after a property owner submits a  
8 claim for compensation from the wildfire relief fund, including  
9 the documentation required in this section, the administrator  
10 shall determine whether the documentation is adequate and, if  
11 so, the appropriate amount of the payment to the property owner  
12 from the wildfire relief fund. If the administrator determines  
13 that the property owner has not submitted sufficient  
14 documentation for the administrator to evaluate the claim, the  
15 administrator may request additional documentation from the  
16 property owner and may set a date by which the additional  
17 information shall be provided by the property owner.

18 (g) If no insurance policy provides coverage for the  
19 losses for which a property owner seeks compensation from the  
20 wildfire relief fund, the property owner shall be eligible to



1 receive as compensation from the wildfire relief fund a maximum  
2 of \$ .

3 (h) If an insurance policy provides coverage for the  
4 losses for which a property owner seeks compensation from the  
5 wildfire relief fund, the property owner shall be eligible to  
6 receive as compensation from the wildfire relief fund an amount  
7 up to the lesser of:

8 (1) per cent of the amount by which the property  
9 owner's losses exceed the amount of insurance coverage  
10 for the losses; or

11 (2) per cent of the property owner's insurance  
12 coverage applicable to the losses;

13 provided that the property owner submits adequate documentation  
14 of those losses, as required by this section.

15 § -14 **Claims by property insurers.** (a) To be eligible  
16 for compensation from the wildfire relief fund, a property  
17 insurer shall have elected to participate in the fund before the  
18 annual policy period in which the catastrophic wildfire  
19 occurred. The administrator shall establish a process for  
20 property insurers to annually submit an election to participate





1 in the wildfire relief fund to the administrator within a  
2 specified time.

3 (b) All property insurers who elect to participate in the  
4 wildfire relief fund shall be eligible to receive as  
5 compensation from the wildfire relief fund per cent of  
6 their total payments for property damage claims in Hawaii as a  
7 result of a catastrophic wildfire.

8 (c) Following a catastrophic wildfire, to make a claim for  
9 compensation from the wildfire relief fund based on claims  
10 resulting from the catastrophic wildfire, an eligible property  
11 insurer shall submit to the administrator documentation  
12 establishing the number, nature, and total value of insurance  
13 claims that the property insurer paid pursuant to its policies  
14 for damage resulting from the catastrophic wildfire as well as  
15 documentation sufficient to assess the reasonableness of the  
16 property insurer's payment of the claims.

17 (d) After receipt of a property insurer's claim for  
18 compensation from the wildfire relief fund, including the  
19 documentation required in this section, the administrator shall:



- 1 (1) Review via an expedited procedure the property  
2 insurer's claim for compensation from the wildfire  
3 relief fund; and
- 4 (2) Determine:
- 5 (A) Whether the documentation provided is adequate;  
6 and
- 7 (B) The appropriate amount of the payment to the  
8 property insurer from the wildfire relief fund.

9 **§ -15 Claims by the State and other governmental**  
10 **entities.** (a) The State may submit claims for compensation  
11 from the wildfire relief fund for damages it incurred resulting  
12 from a catastrophic wildfire, including damage to infrastructure  
13 or other property, costs of fire suppression, and natural  
14 resource damages, to the extent recovery of the losses is  
15 authorized by law.

16 (b) Other governmental entities may submit claims for  
17 compensation from the wildfire relief fund for damages they  
18 incurred resulting from a catastrophic wildfire, including  
19 damage to infrastructure or other property and other losses, to  
20 the extent recovery of the losses is authorized by law; provided  
21 that to be eligible for compensation from the wildfire relief



1 fund related to a catastrophic wildfire, the other governmental  
2 entity shall elect to be a contributor and shall have satisfied  
3 contribution obligations pursuant to section -8 before the  
4 occurrence of the catastrophic wildfire.

5 (c) To make a claim under this section, the State or other  
6 governmental entity shall submit to the administrator  
7 documentation establishing:

- 8 (1) That the catastrophic wildfire caused the damages;  
9 (2) The extent of the damages caused by the catastrophic  
10 wildfire; and  
11 (3) Any other documentation necessary to establish the  
12 State's or other governmental entity's right to  
13 recover the losses pursuant to law.

14 (d) After receipt of a claim for compensation from the  
15 wildfire relief fund pursuant to this section, the administrator  
16 shall determine whether the State or other governmental entity  
17 is authorized to recover damages under applicable law and, if  
18 so, the appropriate amount of the payment.

19 § -16 **Fund depletion.** (a) Within thirty days of a  
20 catastrophic wildfire, the administrator shall assess whether  
21 the total payments that the wildfire relief fund is projected to



1 make to eligible property owners, property insurers, the State,  
2 and other governmental entities under sections -13, -14,  
3 and -15, respectively, are expected to exceed seventy-five  
4 per cent of the total available money in the wildfire relief  
5 fund. The board shall adopt rules pursuant to chapter 91  
6 regarding the performance of this assessment.

7 (b) If the administrator assesses pursuant to subsection  
8 (a) that the total payments that the wildfire relief fund is  
9 projected to make to eligible property owners, property  
10 insurers, the State, and other governmental entities under  
11 sections -13, -14, and -15, respectively, are expected  
12 to exceed seventy-five per cent of the total available money in  
13 the wildfire relief fund, the administrator shall seek to  
14 increase the total amount of money in the wildfire relief fund  
15 using all available methods under this chapter.

16 (c) Depletion event. If the administrator is unable,  
17 despite taking the steps under subsection (b), to secure  
18 sufficient additional funding for the wildlife relief fund,  
19 including credible pledges for future funding, to reverse the  
20 administrator's assessment under subsection (a) within forty-



1 five days, the administrator shall declare the existence of a  
2 depletion event.

3 (d) Depletion percentage. If the administrator declares  
4 the existence of a depletion event, the administrator shall  
5 determine what percentage of total eligible payments the  
6 wildlife relief fund can make without the likelihood that the  
7 payments will exceed seventy-five per cent of the total  
8 available money in the wildlife relief fund. This percentage  
9 shall be deemed the depletion percentage.

10 (e) Depletion payment. The administrator shall thereafter  
11 offer all property owners, property insurers, the State, and  
12 other governmental entities that submit claims for compensation  
13 from the wildfire relief fund and would otherwise, under  
14 sections -13, -14, and -15, respectively, be entitled  
15 to a particular payment amount, that amount multiplied by the  
16 depletion percentage. This amount shall be deemed the depletion  
17 payment.

18 (f) All claimants that are offered the depletion payment  
19 may choose to accept or decline the payment. Any property owner  
20 or property insurer, other than a contributor, that declines to  
21 accept the depletion payment shall:



1 (1) Be ineligible for any payments by the wildfire relief  
2 fund with respect to the catastrophic wildfire for  
3 which the claim was made; and

4 (2) Not be bound by the limitation on claims under  
5 section -18 with respect to only that catastrophic  
6 wildfire.

7 (g) After the payments to all claimants who accepted the  
8 depletion payment have been made, the administrator may  
9 recommend to the board, and the board may decide, in its  
10 discretion, to make a further payment to all claimants who  
11 accepted the depletion payment. The board shall adopt rules  
12 pursuant to chapter 91 for the making of this decision.

13 (h) Multiple catastrophic events. The board shall adopt  
14 rules pursuant to chapter 91 regarding how to pay claims in the  
15 event that one or more catastrophic wildfires occur while the  
16 corporation is in the process of assessing, receiving,  
17 determining, or paying claims from an earlier catastrophic  
18 wildfire.

19 § -17 **Hearings and appeals of determinations.** (a)  
20 Within thirty days after the administrator's determination of  
21 the amount of payment due to any claimant from the wildfire



1 relief fund pursuant to sections -13, -14, and -15,  
2 respectively, or the board's determination of a contributor's  
3 allocation for any contribution, the affected person or entity  
4 may request a contested case hearing on that determination  
5 before the department of commerce and consumer affairs pursuant  
6 to chapter 91.

7 (b) Upon receipt of a request for a hearing on the  
8 administrator or board's determination, the office of  
9 administrative hearings shall schedule a hearing date no later  
10 than days after its receipt of the request for a hearing.

11 (c) Following the conclusion of any hearing or before the  
12 conclusion of the hearing, with the concurrence of the parties,  
13 the office of administrative hearings shall promptly, and no  
14 later than days after the hearing, decide the matter and  
15 issue findings of fact, conclusions of law, and a decision in  
16 accordance with the hearings officer's determination.

17 (d) Within days after the date on which a copy of the  
18 office of administrative hearings' order is mailed to the  
19 parties, a party may seek judicial review of the order by filing  
20 a petition for review in the applicable circuit court, with a  
21 right of appeal as allowed by law. If no petition is timely



1 filed, the order of the office of administrative hearings shall  
2 be final.

3 § -18 **Limitations on claims.** (a) No suit, claim, or  
4 other civil legal action may be instituted or maintained against  
5 contributors or their affiliates, employees, agents, or  
6 insurers:

7 (1) For recovery of losses or damages of a type for which  
8 compensation may be sought from the wildfire relief  
9 fund; and

10 (2) By persons or entities who:

11 (A) Are contributors, property owners who do not opt  
12 out of the wildfire relief fund, or property  
13 insurers who elect to participate in the wildfire  
14 relief fund; or

15 (B) Seek indemnity or contribution for amounts paid,  
16 or that may be paid, to contributors, property  
17 owners who do not opt out of the wildfire relief  
18 fund, or property insurers who elect to  
19 participate in the wildfire relief fund.

20 (b) Persons or entities who are eligible to seek  
21 compensation from the wildfire relief fund for property damage





1 arising from a catastrophic wildfire may not seek to recover for  
2 the damage from electric utilities, public utilities other than  
3 electric utilities, the State, or private landowners who are  
4 contributors, notwithstanding that the claimed property damage  
5 may exceed the amount of payment by the wildfire relief fund for  
6 the damage.

7 (c) The wildfire relief fund shall be subrogated to the  
8 rights of the contributors, property owners who do not opt out  
9 of the wildfire relief fund, and property insurers who elect to  
10 participate in the wildfire relief fund, to the extent of any  
11 payment made by the wildfire relief fund to such person or  
12 entity, such that the wildfire relief fund may pursue claims  
13 against a person or an entity that is not a contributor for  
14 damages resulting from the catastrophic wildfire."

15 SECTION 3. Section 76-16, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:

17 "(b) The civil service to which this chapter applies shall  
18 comprise all positions in the State now existing or hereafter  
19 established and embrace all personal services performed for the  
20 State, except the following:



- 1           (1) Commissioned and enlisted personnel of the Hawaii  
2           National Guard as such, and positions in the Hawaii  
3           National Guard that are required by state or federal  
4           laws or regulations or orders of the National Guard to  
5           be filled from those commissioned or enlisted  
6           personnel;
- 7           (2) Positions filled by persons employed by contract where  
8           the director of human resources development has  
9           certified that the service is special or unique or is  
10          essential to the public interest and that, because of  
11          circumstances surrounding its fulfillment, personnel  
12          to perform the service cannot be obtained through  
13          normal civil service recruitment procedures. Any such  
14          contract may be for any period not exceeding one year;
- 15          (3) Positions that must be filled without delay to comply  
16          with a court order or decree if the director  
17          determines that recruitment through normal recruitment  
18          civil service procedures would result in delay or  
19          noncompliance, such as the Felix-Cayetano consent  
20          decree;



- 1           (4) Positions filled by the legislature or by either house
- 2                   or any committee thereof;
- 3           (5) Employees in the office of the governor and office of
- 4                   the lieutenant governor, and household employees at
- 5                   Washington Place;
- 6           (6) Positions filled by popular vote;
- 7           (7) Department heads, officers, and members of any board,
- 8                   commission, or other state agency whose appointments
- 9                   are made by the governor or are required by law to be
- 10                  confirmed by the senate;
- 11          (8) Judges, referees, receivers, masters, jurors, notaries
- 12                  public, land court examiners, court commissioners, and
- 13                  attorneys appointed by a state court for a special
- 14                  temporary service;
- 15          (9) One bailiff for the chief justice of the supreme court
- 16                  who shall have the powers and duties of a court
- 17                  officer and bailiff under section 606-14; one
- 18                  secretary or clerk for each justice of the supreme
- 19                  court, each judge of the intermediate appellate court,
- 20                  and each judge of the circuit court; one secretary for
- 21                  the judicial council; one deputy administrative



1 director of the courts; three law clerks for the chief  
2 justice of the supreme court, two law clerks for each  
3 associate justice of the supreme court and each judge  
4 of the intermediate appellate court, one law clerk for  
5 each judge of the circuit court, two additional law  
6 clerks for the civil administrative judge of the  
7 circuit court of the first circuit, two additional law  
8 clerks for the criminal administrative judge of the  
9 circuit court of the first circuit, one additional law  
10 clerk for the senior judge of the family court of the  
11 first circuit, two additional law clerks for the civil  
12 motions judge of the circuit court of the first  
13 circuit, two additional law clerks for the criminal  
14 motions judge of the circuit court of the first  
15 circuit, and two law clerks for the administrative  
16 judge of the district court of the first circuit; and  
17 one private secretary for the administrative director  
18 of the courts, the deputy administrative director of  
19 the courts, each department head, each deputy or first  
20 assistant, and each additional deputy, or assistant  
21 deputy, or assistant defined in paragraph (16);



- 1           (10) First deputy and deputy attorneys general, the  
2           administrative services manager of the department of  
3           the attorney general, one secretary for the  
4           administrative services manager, an administrator and  
5           any support staff for the criminal and juvenile  
6           justice resources coordination functions, and law  
7           clerks;
- 8           (11) (A) Teachers, principals, vice-principals, complex  
9           area superintendents, deputy and assistant  
10          superintendents, other certificated personnel,  
11          and no more than twenty noncertificated  
12          administrative, professional, and technical  
13          personnel not engaged in instructional work;
- 14          (B) Effective July 1, 2003, teaching assistants,  
15          educational assistants, bilingual/bicultural  
16          school-home assistants, school psychologists,  
17          psychological examiners, speech pathologists,  
18          athletic health care trainers, alternative school  
19          work study assistants, alternative school  
20          educational/supportive services specialists,  
21          alternative school project coordinators, and



- 1                   communications aides in the department of  
2                   education;
- 3           (C)   The special assistant to the state librarian and  
4                   one secretary for the special assistant to the  
5                   state librarian; and
- 6           (D)   Members of the faculty of the University of  
7                   Hawaii, including research workers, extension  
8                   agents, personnel engaged in instructional work,  
9                   and administrative, professional, and technical  
10                  personnel of the university;
- 11       (12)   Employees engaged in special, research, or  
12                  demonstration projects approved by the governor;
- 13       (13)   (A)   Positions filled by inmates, patients of state  
14                   institutions, and persons with severe physical or  
15                   mental disabilities participating in the work  
16                   experience training programs;
- 17                  (B)   Positions filled with students in accordance with  
18                   guidelines for established state employment  
19                   programs; and
- 20                  (C)   Positions that provide work experience training  
21                   or temporary public service employment that are



1 filled by persons entering the workforce or  
2 persons transitioning into other careers under  
3 programs such as the federal Workforce Investment  
4 Act of 1998, as amended, or the Senior Community  
5 Service Employment Program of the Employment and  
6 Training Administration of the United States  
7 Department of Labor, or under other similar state  
8 programs;

9 (14) A custodian or guide at Iolani Palace, the Royal  
10 Mausoleum, and Hulihee Palace;

11 (15) Positions filled by persons employed on a fee,  
12 contract, or piecework basis, who may lawfully perform  
13 their duties concurrently with their private business  
14 or profession or other private employment and whose  
15 duties require only a portion of their time, if it is  
16 impracticable to ascertain or anticipate the portion  
17 of time to be devoted to the service of the State;

18 (16) Positions of first deputies or first assistants of  
19 each department head appointed under or in the manner  
20 provided in section 6, article V, of the Hawaii State  
21 Constitution; three additional deputies or assistants



1           either in charge of the highways, harbors, and  
2           airports divisions or other functions within the  
3           department of transportation as may be assigned by the  
4           director of transportation, with the approval of the  
5           governor; one additional deputy in the department of  
6           human services either in charge of welfare or other  
7           functions within the department as may be assigned by  
8           the director of human services; four additional  
9           deputies in the department of health, each in charge  
10          of one of the following: behavioral health,  
11          environmental health, hospitals, and health resources  
12          administration, including other functions within the  
13          department as may be assigned by the director of  
14          health, with the approval of the governor; two  
15          additional deputies in charge of the law enforcement  
16          programs, administration, or other functions within  
17          the department of law enforcement as may be assigned  
18          by the director of law enforcement, with the approval  
19          of the governor; three additional deputies each in  
20          charge of the correctional institutions,  
21          rehabilitation services and programs, and





1 administration or other functions within the  
2 department of corrections and rehabilitation as may be  
3 assigned by the director [~~or~~] of corrections and  
4 rehabilitation, with the approval of the governor; an  
5 administrative assistant to the state librarian; and  
6 an administrative assistant to the superintendent of  
7 education;

8 (17) Positions specifically exempted from this part by any  
9 other law; provided that:

10 (A) Any exemption created after July 1, 2014, shall  
11 expire three years after its enactment unless  
12 affirmatively extended by an act of the  
13 legislature; and

14 (B) All of the positions defined by paragraph (9)  
15 shall be included in the position classification  
16 plan;

17 (18) Positions in the state foster grandparent program and  
18 positions for temporary employment of senior citizens  
19 in occupations in which there is a severe personnel  
20 shortage or in special projects;



- 1 (19) Household employees at the official residence of the  
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in  
4 the supervision of students during meal periods in the  
5 distribution, collection, and counting of meal  
6 tickets, and in the cleaning of classrooms after  
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the  
9 Hawaii public housing authority; provided that ~~not~~  
10 no more than twenty-six per cent of the authority's  
11 workforce in any housing project maintained or  
12 operated by the authority shall be hired under the  
13 tenant hire program;
- 14 (22) Positions of the federally funded expanded food and  
15 nutrition program of the University of Hawaii that  
16 require the hiring of nutrition program assistants who  
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities  
19 who are certified by the state vocational  
20 rehabilitation office that they are able to perform  
21 safely the duties of the positions;



- 1       (24) The sheriff;
- 2       (25) A gender and other fairness coordinator hired by the
- 3                judiciary;
- 4       (26) Positions in the Hawaii National Guard youth and adult
- 5                education programs;
- 6       (27) In the state energy office in the department of
- 7                business, economic development, and tourism, all
- 8                energy program managers, energy program specialists,
- 9                energy program assistants, and energy analysts;
- 10       (28) Administrative appeals hearing officers in the
- 11               department of human services;
- 12       (29) In the Med-QUEST division of the department of human
- 13               services, the division administrator, finance officer,
- 14               health care services branch administrator, medical
- 15               director, and clinical standards administrator;
- 16       (30) In the director's office of the department of human
- 17               services, the enterprise officer, information security
- 18               and privacy compliance officer, security and privacy
- 19               compliance engineer, security and privacy compliance
- 20               analyst, information technology implementation
- 21               manager, assistant information technology



1 implementation manager, resource manager,  
2 community/project development director, policy  
3 director, special assistant to the director, and  
4 limited English proficiency project  
5 manager/coordinator;

6 (31) The Alzheimer's disease and related dementia services  
7 coordinator in the executive office on aging;

8 (32) In the Hawaii emergency management agency, the  
9 executive officer, public information officer, civil  
10 defense administrative officer, branch chiefs, and  
11 emergency operations center state warning point  
12 personnel; provided that for state warning point  
13 personnel, the director shall determine that  
14 recruitment through normal civil service recruitment  
15 procedures would result in delay or noncompliance;

16 (33) The executive director and seven full-time  
17 administrative positions of the school facilities  
18 authority;

19 (34) Positions in the Mauna Kea stewardship and oversight  
20 authority;



1 (35) In the office of homeland security of the department  
2 of law enforcement, the statewide interoperable  
3 communications coordinator; [~~and~~]

4 (36) In the social services division of the department of  
5 human services, the business technology analyst[~~-~~];  
6 and

7 (37) The wildfire relief fund administrator.

8 The director shall determine the applicability of this  
9 section to specific positions.

10 Nothing in this section shall be deemed to affect the civil  
11 service status of any incumbent as it existed on July 1, 1955."

12 SECTION 4. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so  
14 much thereof as may be necessary for fiscal year 2024-2025 for  
15 deposit into the wildfire relief fund.

16 SECTION 5. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so  
18 much thereof as may be necessary for fiscal year 2024-2025 for  
19 the establishment of full-time equivalent ( FTE)  
20 administrator position, who shall be exempt from chapter 76,  
21 Hawaii Revised Statutes, to support the Hawaii wildfire relief



1 fund corporation; provided that in all subsequent fiscal years,  
2 all funding for the administrator position shall be paid from  
3 the wildfire relief fund.

4 The sum appropriated shall be expended by the department of  
5 commerce and consumer affairs for the purposes of this Act.

6 SECTION 6. In accordance with section 9 of article VII of  
7 the Hawaii State Constitution and sections 37-91 and 37-93,  
8 Hawaii Revised Statutes, the legislature has determined that the  
9 appropriations contained in H.B. No. , will cause the state  
10 general fund expenditure ceiling for fiscal year 2024-2025 to be  
11 exceeded by \$ or per cent. In addition, the  
12 appropriation contained in this Act will cause the general fund  
13 expenditure ceiling for fiscal year 2024-2025 to be further  
14 exceeded by \$ or per cent. The combined total  
15 amount of general fund appropriations contained in only these  
16 two Acts will cause the state general fund expenditure ceiling  
17 for fiscal year 2024-2025 to be exceeded by  
18 \$ or per cent. The reasons for exceeding the  
19 general fund expenditure ceiling are that:

20 (1) The appropriation made in this Act is necessary to  
21 serve the public interest; and



1           (2) The appropriation made in this Act meets the needs  
2           addressed by this Act.  
3           SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

Hawaii Wildfire Relief Fund and Corporation; Public Utilities Commission; Catastrophic Wildfire; Appropriation; Expenditure Ceiling

**Description:**

Establishes the Hawaii Wildfire Relief Fund and Corporation to provide compensation for property damage resulting from catastrophic wildfires in the State. Appropriates funds. Effective 7/1/3000. (HD3)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

