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# A BILL FOR AN ACT

RELATING TO THE STATE FIRE MARSHAL.

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

1           SECTION 1. The legislature finds that Hawaii is the only  
2 state without a fire marshal's office. In 1978, the office of  
3 the state fire marshal was abolished and its functions and  
4 responsibilities relating to the protection of persons and  
5 property against fire loss with the respective county  
6 governments was transferred to the counties through Act 241,  
7 Session Laws of Hawaii 1978.

8           The legislature further finds that the state fire marshal  
9 would serve as an integral role in coordinating fire prevention  
10 between local agencies. The legislature recognizes that the  
11 state fire council currently does not have the funding and staff  
12 to perform the duties of a state fire marshal. The legislature  
13 further recognizes that reestablishing the position of the state  
14 fire marshal would fill gaps in state and local enforcement,  
15 provide leadership in fire and arson investigations, and ensure  
16 wildfire risk is mitigated as much as possible.



1           Accordingly, the purpose of this Act is to re-establish the  
2 position of the state fire marshal.

3           SECTION 2. Chapter 132, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6           "§132-       State fire marshal; establishment; appointment;  
7 powers; duties; police powers; responsibilities. (a) There is  
8 established within the department of labor and industrial  
9 relations, a division of the state fire marshal, that shall be  
10 administered by a state fire marshal, who shall be appointed by  
11 the state fire council. The appointment of the state fire  
12 marshal shall be made without regard to chapters 76 and 89, and  
13 shall not be subject to the advice and consent of the senate.  
14 In the event of a vacancy, the state fire council shall meet  
15 expeditiously to select and appoint a new state fire marshal to  
16 serve the remainder of the unexpired term.

17           (b) The state fire marshal shall have the same powers and  
18 authority as county fire chiefs under sections 132D-4,  
19 132D-16.6, and 132D-16.7, and this chapter; provided that to the  
20 extent the determination of the state fire marshal pertaining to



1 a county conflicts with that of the county fire chief, the  
2 latter shall prevail.

3 (c) The duties of the state fire marshal shall include but  
4 not be limited to:

5 (1) Coordinating fire protection efforts between local  
6 agencies for the State;

7 (2) Working with the state fire council on matters  
8 relating to fire services in the State;

9 (3) Working with state and county law enforcement agencies  
10 for enforcement of the state fire code;

11 (4) Reviewing and assessing the fire risk of the State;

12 (5) Reviewing and proposing amendments to the state fire  
13 code and submitting the proposed amendments to the  
14 state fire council for the state fire council's  
15 consideration in its adoption of or amendments to the  
16 state fire code;

17 (6) Reviewing the emergency resources that are available  
18 in the State to be deployed to address fires; and

19 (7) Assessing whether the State would benefit from a  
20 statewide public fire safety messaging program.



1        (d) In carrying out the duties of this section, the state  
2 fire marshal may utilize the services of the state fire council,  
3 including its advisory committee and administrative staff, as  
4 appropriate."

5        SECTION 3. Section 132-16, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7        "(b) In addition to adopting a state fire code pursuant to  
8 section 132-3, the state fire council shall:

9        (1) Administer the requirements for reduced ignition  
10                propensity cigarettes, in accordance with chapter  
11                132C; [~~and~~]

12        (2) Serve as a focal point through which all applications  
13                to the federal government for federal grant assistance  
14                for fire-related projects shall be made. Upon the  
15                receipt of any such federal grants, the state fire  
16                council shall administer those federal grants[~~-~~];

17        (3) Establish the terms of employment for the position of  
18                the state fire marshal; and

19        (4) Appoint the state fire marshal."

20        SECTION 4. In accordance with section 9 of article VII of  
21 the Hawaii State Constitution and sections 37-91 and 37-93,

1 Hawaii Revised Statutes, the legislature has determined that the  
 2 appropriations contained in Act 164, Regular Session of 2023,  
 3 and this Act will cause the state general fund expenditure  
 4 ceiling for fiscal year 2024-2025 to be exceeded by  
 5 \$                    or                    per cent. This current declaration takes  
 6 into account general fund appropriations authorized for fiscal  
 7 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
 8 only. The reasons for exceeding the general fund expenditure  
 9 ceiling are that:

- 10            (1) The appropriation made in this Act is necessary to  
 11                    serve the public interest; and
- 12            (2) The appropriation made in this Act meets the needs  
 13                    addressed by this Act.

14            SECTION 5. There is appropriated out of the general  
 15 revenues of the State of Hawaii the sum of \$                    or so  
 16 much thereof as may be necessary for fiscal year 2024-2025 for  
 17 the following:

- 18            (1) \$                    for the establishment of one full-time  
 19                    equivalent (1.00 FTE) permanent state fire marshal  
 20                    position;



1           (2) \$                   for the establishment of one full-time  
2                   equivalent (1.00 FTE) permanent position to support  
3                   the state fire marshal; and

4           (3) \$                   for training, office supplies, rent, and  
5                   other operating and administrative costs to support  
6                   the state fire marshal,  
7 in carrying out the purposes of this Act.

8           The sum appropriated shall be expended by the department of  
9 labor and industrial relations for the purposes of this Act.

10          SECTION 6. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12          SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

DLIR; State Fire Marshal; State Fire Council; Fire Prevention;  
Fire Safety; General Fund Expenditure Ceiling Exceeded;  
Appropriation

**Description:**

Re-establishes the Division of the State Fire Marshal within the Department of Labor and Industrial Relations. Establishes positions. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025 . Appropriates moneys. Effective 7/1/2050. (SD2)

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

