

STAND. COM. REP. NO. 2477

Honolulu, Hawaii

FEB 15 2024

RE: S.B. No. 2085
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Labor and Technology and Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 2085 entitled:

"A BILL FOR AN ACT RELATING TO THE STATE FIRE MARSHAL,"

beg leave to report as follows:

The purpose and intent of this measure is to re-establish the position of the State Fire Marshal.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Law Enforcement, Department of Labor and Industrial Relations, County of Maui Department of Fire and Public Safety, City and County of Honolulu Fire Department, Democratic Party of Hawai'i, one member of the Maui County Council, and one individual.

Your Committees received comments on this measure from the Office of the Governor and Department of the Attorney General.

Your Committees find that state fire marshals serve an integral role in coordinating fire prevention between local agencies. Your Committees find, however, that Act 241, Session Laws of Hawaii 1978, abolished the Office of the State Fire Marshal, and its functions and responsibilities relating to the protection of persons and property against fire loss with the respective county governments were transferred to the counties.



Your Committees further find that the State Fire Council, that is administratively attached to the Department of Labor and Industrial Relations, is limited in its scope and responsibilities, and has a relatively small budget and is staffed by a small number of part-time employees. This measure will re-establish the position of the State Fire Marshal, provide the State Fire Marshal with the same powers and authority as county fire chiefs, and establish the duties of the State Fire Marshal, including the duty to make arrests pertaining to arson.

Your Committees have amended this measure by:

- (1) Establishing the Division of the State Fire Marshal within the Department of Law Enforcement, rather than within the Department of Labor and Industrial Relations;
- (2) Inserting language that requires the Fire Marshal to be appointed by the Director of Law Enforcement after a referral and mutual agreement between the Director and the State Fire Council;
- (3) Clarifying that the appointment of the State Fire Marshal shall be made without regard to chapters 76 and 89, Hawaii Revised Statutes;
- (4) Clarifying that in the event the determination of the State Fire Marshal with respect to a certain county conflicts with that of the County Fire Chief, the latter shall prevail;
- (5) Expanding the duties of the State Fire Marshal; and
- (6) Inserting a blank appropriation to be expended by the Department of Law Enforcement for:
 - (A) The establishment of one full-time equivalent (1.0 FTE) permanent state fire marshal position;
 - (B) The establishment of one full-time equivalent (1.0 FTE) permanent position to support the State Fire Marshal; and

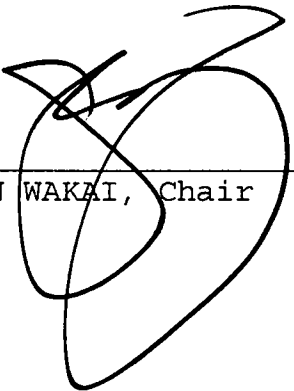


(C) Training, office supplies, rent, and other operating and administrative costs to support the State Fire Marshal.

Finally, although this measure, as amended, contains an unspecified appropriation amount, your Committees respectfully request that your Committee on Ways and Means consider inserting an appropriation amount of \$340,000 for fiscal year 2024-2025, with the breakdown of \$150,000 for the establishment of one full-time equivalent (1.0 FTE) permanent State Fire Marshal position; \$90,000 for the establishment of one full-time equivalent (1.0 FTE) permanent position to support the state fire marshal; and \$100,000 for training, office supplies, rent, and other operating and administrative costs to support the state fire marshal, in carrying out the purposes of this measure.

As affirmed by the records of votes of the members of your Committees on Labor and Technology and Public Safety and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2085, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2085, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Labor and Technology and Public Safety and Intergovernmental and Military Affairs,



GLENN WAKAI, Chair



HENRY J.C. AQUINO, Chair

