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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; responsibilities. (a) There is established  
8 within the department of labor and industrial relations a state  
9 fire marshal who shall be appointed by the state fire council,  
10 without regard to chapter 76. The appointment shall not be  
11 subject to the advice and consent of the senate. In the event  
12 of a vacancy, the state fire council shall meet expeditiously to  
13 select and appoint a new state fire marshal to serve the  
14 remainder of the unexpired term.

15           (b) The state fire marshal shall have the same powers and  
16 authority as county fire chiefs under sections 132D-4, 132D-  
17 16.6, and 132D-16.7, and this chapter.

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

20           (1) Coordinating fire protection efforts between local  
21 agencies for the State;



- 1        (2) Leading fire and arson investigations;
- 2        (3) Making arrests pertaining to arson; and
- 3        (4) Working with the state fire council on matters
- 4                relating to fire services in the State.
- 5        (d) In carrying out the duties of this section, the state
- 6 fire marshal may utilize the services of the state fire council,
- 7 including its advisory committee and administrative staff, as
- 8 appropriate."

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

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

- 13                (1) Administer the requirements for reduced ignition
- 14                        propensity cigarettes, in accordance with chapter
- 15                        132C; [~~and~~]
- 16                (2) Serve as a focal point through which all applications
- 17                        to the federal government for federal grant assistance
- 18                        for fire-related projects shall be made. Upon the
- 19                        receipt of any such federal grants, the state fire
- 20                        council shall administer those federal grants[~~-~~];



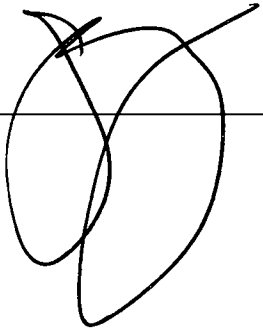
- 1        (3) Establish the terms of employment for the position of
- 2            the state fire marshal; and
- 3        (4) Appoint the state fire marshal."

4        SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6        SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2085

**Report Title:**

State Fire Marshal; State Fire Council; Fire Prevention; Fire Safety

**Description:**

Re-establishes the position of the State Fire Marshal.

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

