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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           "§353C- State fire marshal; establishment; appointment;  
7 powers; duties; police powers; responsibilities. (a) There is  
8 established within the department of law enforcement, a division  
9 of the state fire marshal, that shall be administered by a state  
10 fire marshal, who shall be appointed by the director, after a  
11 referral and mutual agreement between the director and the state  
12 fire council. The appointment of the state fire marshal shall  
13 be made without regard to chapters 76 and 89, and shall not be  
14 subject to the advice and consent of the senate. In the event  
15 of a vacancy, the state fire council and the director shall meet  
16 expeditiously to select and appoint a new state fire marshal.  
17 To facilitate the appointment of the state fire marshal, the  
18 director shall establish the terms of employment for the  
19 position of state fire marshal.

20           (b) The state fire marshal shall have the same powers and  
21 authority as county fire chiefs under sections 132D-4,



1 132D-16.6, and 132D-16.7, and this chapter; provided that to the  
2 extent the determination of the state fire marshal pertaining to  
3 a county conflicts with that of the county fire chief, the  
4 latter shall prevail.

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

7 (1) Coordinating fire protection efforts between local  
8 agencies for the State;

9 (2) Leading fire and arson investigations;

10 (3) Making arrests pertaining to arson;

11 (4) Working with the state fire council on matters  
12 relating to fire services in the State;

13 (5) Reviewing and assessing the fire risk of the State;

14 (6) Reviewing and proposing amendments to the state fire

15 code and submitting the proposed amendments to the

16 state fire council for the state fire council's

17 consideration in its adoption of or amendments to the  
18 state fire code;

19 (7) Reviewing the emergency resources that are available  
20 in the State to be deployed to address fires; and



1       (8) Assessing whether the State would benefit from a  
2            statewide public fire safety messaging program.

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

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

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

11       (1) Administer the requirements for reduced ignition  
12           propensity cigarettes, in accordance with chapter  
13           132C; ~~and~~

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

19       (3) Establish the terms of employment for the position of  
20           the state fire marshal; and

21       (4) Appoint the state fire marshal."



1 SECTION 4. In accordance with section 9 of article VII of  
2 the Hawaii State Constitution and sections 37-91 and 37-93,  
3 Hawaii Revised Statutes, the legislature has determined that the  
4 appropriations contained in Act 164, Regular Session of 2023,  
5 and this Act will cause the state general fund expenditure  
6 ceiling for fiscal year 2024-2025 to be exceeded by  
7 \$ or per cent. This current declaration takes  
8 into account general fund appropriations authorized for fiscal  
9 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
10 only. The reasons for exceeding the general fund expenditure  
11 ceiling are that:

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

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 following:



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

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

7           (3) \$                   for training, office supplies, rent, and  
8                   other operating and administrative costs to support  
9                   the state fire marshal,

10 in carrying out the purposes of this Act.

11           The sums appropriated shall be expended by the Department  
12 of Law Enforcement for the purposes of this Act.

13           SECTION 6. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15           SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

DLE; State Fire Marshal; State Fire Council; Fire Prevention;  
Fire Safety; Expenditure Ceiling; Appropriation

**Description:**

Re-establishes the Division of the State Fire Marshal within the Department of Law Enforcement. Establishes positions. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation. (SD1)

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

