

JAN 19 2024

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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 wildfires pose a  
2 critical threat to the natural environment and its flora and  
3 fauna, to agricultural land, and to human life and property.  
4 Wildfires burn 0.5 per cent of the total area in the State each  
5 year, paving the way for invasive species to take root in the  
6 burned areas. The legislature believes that the State must take  
7 more proactive measures in preventing and combating future,  
8 potentially tragic wildfires.

9           The legislature further finds that the State budgets far  
10 less compared to most of the western United States for on  
11 fighting fires, even on a per capita basis. The legislature  
12 notes that Washington appropriates more than double the amount  
13 per capita than Hawaii to fight wildfires and that, in fiscal  
14 year 2022, California budgeted \$21 per resident.

15           The legislature also finds that overgrown and dried-out  
16 grasses, shrubs, and small trees on unmanaged agricultural land  
17 and wildlands provide fuel for wildfires. Wildfires in



1 mountainous or inaccessible terrain destroy natural eco-systems,  
2 including endangered and threatened species, and can spread to  
3 inhabited areas.

4       The legislature recognizes that fighting wildfires in  
5 mountainous or inaccessible terrain is beyond the normal  
6 capabilities of county fire departments. This was evidenced in  
7 2023 by the Mililani Mauka wildfire in the Koolau mountains,  
8 where much of the 2.5 square-mile burn zone was within the Oahu  
9 Forest National Wildlife Refuge, home to twenty-two endangered  
10 and threatened species.

11       The legislature finds that there is a need for a corps of  
12 elite firefighters to fight wildfires in wilderness areas and  
13 inaccessible or hard-to-access terrain throughout the State.  
14 The legislature further notes that to accomplish this, certain  
15 specialized firefighting aircraft are necessary; certain  
16 specialized aircraft are scarce and may be difficult to procure  
17 through standard procurement procedures; and the specialized  
18 aircraft and firefighters must be available twenty-four hours a  
19 day, seven days a week.

20       Accordingly, the purpose of this Act is to:

21       (1) Establish the:



- 1 (A) Position of the state wildfire marshal;
- 2 (B) Position of the state wildfire chief;
- 3 (C) State wildfire corps; and
- 4 (D) State wildfire fuel reduction task force; and
- 5 (2) Make an appropriation.

6 SECTION 2. Chapter 132, Hawaii Revised Statutes, is  
7 amended by adding a new part to be appropriately designated and  
8 to read as follows:

9 **"PART . WILDFIRES**

10 **§132-A State wildfire marshal; establishment; hiring;**  
11 **notice; qualifications; duties.** (a) There is established the  
12 position of state wildfire marshal within the department of  
13 defense for administrative purposes.

14 (b) The adjutant general shall hire and may replace the  
15 state wildfire marshal pursuant to chapter 76. The adjutant  
16 general shall provide written notification of the hiring of the  
17 state wildfire marshal to the fire chief of each county, all  
18 federal fire authorities, the United States Forest Service, and  
19 the United States National Park Service.

20 (c) Each candidate for the state wildfire marshal shall  
21 have at least:



1 (1) Ten years of firefighting experience at the local,  
2 state, or federal level or any combination thereof;  
3 and

4 (2) Five years of managerial or administrative experience.

5 A candidate may be a current or former firefighter at the local,  
6 state, or federal level.

7 (d) The state wildfire marshal shall:

8 (1) Hire or replace the state wildfire chief pursuant to  
9 section 132-B;

10 (2) Support the state wildfire corps established pursuant  
11 to section 132-C, including but not limited to:

12 (A) Determining the necessary qualifications of the  
13 firefighters that serve on the state wildfire  
14 corps;

15 (B) Determining how many firefighters are needed,  
16 within budgetary constraints;

17 (C) Recruiting and hiring firefighters pursuant to  
18 chapter 76;

19 (D) Researching and obtaining the necessary  
20 firefighting and safety equipment, including  
21 specialized firefighting aircraft;



- 1 (E) Recruiting, hiring, and replacing any necessary
- 2 pilots, mechanics, and support personnel,
- 3 pursuant to chapter 76;
- 4 (F) Training and supervising the pilots, mechanics,
- 5 and support personnel hired pursuant to
- 6 subparagraph (E);
- 7 (G) Determining the optimal basing for the personnel
- 8 and equipment to cover the entire State;
- 9 (H) Procuring the necessary sites for the basing of
- 10 the state wildfire corps; and
- 11 (I) Obtaining as much federal funding as possible for
- 12 the above purposes;
- 13 (3) Chair the state wildfire fuel reduction task force
- 14 established pursuant to section 132-D;
- 15 (4) Initiate action on its own, or at request of other
- 16 state, county, or federal authorities, to fight
- 17 wildfires, including but not limited to summoning
- 18 additional firefighting assistance, equipment,
- 19 supplies, or materials to assist in fighting a
- 20 wildfire, when necessary;



- 1 (5) Coordinate with other state, county, or federal
- 2 agencies or authorities to fight wildfires; and
- 3 (6) Investigate the cause and any aggravating factors of
- 4 any wildfire within the State that is not under
- 5 investigation by other agencies.

6 **§132-B State wildfire chief; establishment;**  
7 **responsibilities; hiring; notice; qualifications; duties.** (a)

8 There is established within the department of defense for  
9 administrative purposes the position of state wildfire chief,  
10 who shall be responsible for fighting wildfires in mountainous  
11 or otherwise inaccessible terrain unreachable by county fire  
12 departments.

13 (b) The state fire marshal shall hire and may replace the  
14 state wildfire chief pursuant to chapter 76. The state wildfire  
15 marshal shall provide written notification of the hiring of the  
16 state wildfire chief to the fire chief of each county, all  
17 federal fire authorities, the United States Forest Service, and  
18 the United States National Park Service.

19 (c) Each candidate for the state wildfire chief shall have  
20 at least:



1 (1) Five years of firefighting experience at the local,  
2 state, or federal level or any combination thereof;  
3 and

4 (2) Three years of managerial or administrative  
5 experience.

6 (d) The state wildfire chief shall:

7 (1) Train or arrange for the training of the state  
8 wildfire corps established pursuant to section 132-C;  
9 and

10 (2) Supervise the state wildfire corps established  
11 pursuant to section 132-C.

12 **§132-C State wildfire corps; establishment.** There is  
13 established within the department of defense for administrative  
14 purposes a state wildfire corps comprising of firefighters to  
15 fight wildfires in mountainous or otherwise inaccessible terrain  
16 in the State that is unreachable by county fire departments.

17 **§132-D State wildfire fuel reduction task force;**  
18 **establishment; composition; duties.** (a) There is established  
19 within the department of defense for administrative purposes a  
20 state wildfire fuel reduction task force. The task force shall  
21 be comprised of the following members:



- 1       (1) The state wildfire marshal, who shall serve as the
- 2             chairperson of the task force;
- 3       (2) A representative from the department of agriculture,
- 4             to be appointed by the chair of the board of
- 5             agriculture; and
- 6       (3) A representative from the department of land and
- 7             natural resources, to be appointed by the chair of the
- 8             board of land and natural resources.
- 9       (b) The state wildfire fuel reduction task force shall:
- 10       (1) Inventory and map fallow, unmanaged agricultural land
- 11             and unmanaged wild lands on the six main inhabited
- 12             islands of the State;
- 13       (2) Investigate and determine best practices of managing
- 14             areas with overgrown grass and scrub brush according
- 15             to the type and slope of the terrain, including
- 16             consulting with:
  - 17             (A) The United States Forest Service on the
  - 18                 feasibility and cost of creating a local
  - 19                 equivalent of the youth conservation corps;
  - 20             (B) The department of labor and industrial relations
  - 21                 on the feasibility and cost of creating an adult





1 labor force to protect public lands through  
2 vegetation management;

3 (C) The department of corrections and rehabilitation  
4 on the feasibility and cost of using prison labor  
5 to protect public lands through vegetation  
6 management;

7 (D) The judiciary on the feasibility and cost of  
8 using community service to protect public lands  
9 through vegetation management; and

10 (E) Livestock ranchers on the feasibility and cost of  
11 using sheep, goats, and other livestock to graze  
12 overgrown grasses; and

13 (3) Determine the best methods to implement the best  
14 practices of managing areas with overgrown grass and  
15 scrub brush."

16 SECTION 3. Section 26-21, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) The office of veterans' services and the advisory  
19 board on veterans' services as constituted by chapter 363 are  
20 placed within the department of defense for administrative  
21 purposes. The state wildfire marshal, state wildfire chief,



1 state wildfire corps, and the state wildfire fuel reduction task  
 2 force as constituted by part \_\_\_\_\_ of chapter 132 also are  
 3 placed within the department of defense for administrative  
 4 purposes."

5 SECTION 4. Chapter 132, Hawaii Revised Statutes, is  
 6 amended by designating sections 132-1 to 132-19 as part I and  
 7 inserting a title before section 132-1 to read as follows:

8 **"PART I. GENERAL PROVISIONS"**

9 SECTION 5. In accordance with section 9 of article VII of  
 10 the Hawaii State Constitution and sections 37-91 and 37-93,  
 11 Hawaii Revised Statutes, the legislature has determined that the  
 12 appropriations contained in Act 164, Regular Session of 2023,  
 13 and this Act will cause the state general fund expenditure  
 14 ceiling for fiscal year 2024-2025 to be exceeded by  
 15 \$ \_\_\_\_\_ or \_\_\_\_\_ per cent. This current declaration takes  
 16 into account general fund appropriations authorized for fiscal  
 17 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
 18 only. The reasons for exceeding the general fund expenditure  
 19 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 6. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$208,400,000 or so  
5 much thereof as may be necessary for fiscal year 2024-2025 to be  
6 allocated as follows:

7           (1) \$8,400,000 for the establishment and funding of the  
8           following positions:

9           (A) One full-time equivalent (1.0 FTE) state wildfire  
10           marshal;

11           (B) One full-time equivalent (1.0 FTE) state wildfire  
12           chief;

13           (C) Twenty-eight full-time equivalent (28.0 FTE)  
14           aircraft pilots;

15           (D) Twelve full-time equivalent (12.0 FTE) aircraft  
16           mechanics;

17           (E) Thirty full-time equivalent (30.0 FTE)  
18           firefighters;

19           (F) Twelve full-time equivalent (12.0 FTE) aircraft  
20           support personnel;



- 1 (G) One full-time equivalent (1.0 FTE) fire
- 2 investigator; and
- 3 (H) Two full-time equivalent (2.0 FTE) administrative
- 4 staff; and
- 5 (2) \$200,000,000 for specialized firefighting aircraft and
- 6 other equipment.

7 The sum appropriated shall be expended by the department of  
8 defense for the purposes of this Act.

9 SECTION 7. In codifying the new sections added by  
10 section 4 of this Act, the revisor of statutes shall substitute  
11 appropriate section numbers for the letters used in designating  
12 the new sections in this Act.

13 SECTION 8. New statutory material is underscored.

14 SECTION 9. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: Mike Hubbard



# S.B. NO. 2356

**Report Title:**

DOD; State Wildfire Marshal; State Wildfire Chief; State Wildfire Corps; State Wildfire Fuel Reduction Task Force; Positions; Expenditure Ceiling; Appropriation

**Description:**

Establishes within the Department of Defense the position and duties of State Wildfire Marshal, the position and duties of State Wildfire Chief, the State Wildfire Corps, and the State Wildfire Fuel Reduction Task Force. Makes an appropriation.

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

