

JAN 19 2024

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 the devastating 2023
2 Maui wildfires, which claimed more than one hundred lives and
3 burned through the historic town of Lahaina, serve as a reminder
4 of the threat of wildfires in Hawaii. The legislature
5 recognizes that pursuant to Act 241, Session Laws of Hawaii
6 1978, Hawaii's state fire marshal program was disbanded and
7 replaced with the state fire council, making Hawaii the only
8 state without a fire marshal. The legislature notes that under
9 this decentralized approach to firefighting, each county is
10 responsible for investigating, preventing, and mitigating fires.

11 The legislature notes that in the almost forty-six years
12 since the state fire marshal program was disbanded, the state
13 fire council has played a crucial role in fire prevention and
14 education. However, modern firefighting methods and practices
15 now require an accounting for the significant negative impacts
16 of climate change, which have increased the risk of wildfires
17 and other mass fire events throughout the State. The



1 legislature therefore believes that re-establishing a dedicated
2 state fire marshal position to function alongside the state fire
3 council will significantly improve Hawaii's wildfire
4 preparedness and response efforts.

5 Accordingly, the purpose of this Act is to establish the
6 position and duties of the state fire marshal.

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

10 "§132- State fire marshal. (a) There is established
11 within the department of labor and industrial relations for
12 administrative purposes the position of the state fire marshal.

13 (b) Notwithstanding any law to the contrary, the state
14 fire marshal shall:

15 (1) Assess each county's firefighter personnel staffing
16 issues;

17 (2) Identify and address any policy barriers that may
18 impede or prevent the reassignment of firefighter
19 personnel and support staff between the counties
20 during a state of emergency declared pursuant to
21 section 127A-14 or any other conflagration event;



- 1 (3) Identify any policy barriers that may impede the
2 efficient and effective allocation of resources,
3 including materials, equipment, and personnel, to each
4 county's respective fire department;
- 5 (4) Compile and maintain accurate records of each fire
6 that has occurred in the State and any relevant
7 historical fire data;
- 8 (5) Develop and implement statewide fire prevention
9 programs;
- 10 (6) Develop wildfire risk maps;
- 11 (7) Develop and implement wildfire protection and fuel
12 management plans;
- 13 (8) Have the primary responsibility for collaborating with
14 each applicable federal, state, or local department,
15 including each county fire department, to develop
16 prioritized contingency plans and project lists to
17 address wildfires in the State;
- 18 (9) Collaborate with the department of land and natural
19 resources to identify and assess wildfire risks
20 created by invasive and native species of flora and



- 1 fauna throughout the State and develop methods for
2 monitoring and mitigating these risks;
- 3 (10) Identify and assess new technologies that may improve
4 wildfire protection efforts in the State;
- 5 (11) Have the primary responsibility for reviewing the
6 state fire code and the State and each county's
7 relevant policies to:
- 8 (A) Ensure compliance with any applicable federal
9 requirements; and
- 10 (B) Identify any inconsistencies between, and
11 inefficiencies in, the state fire code and these
12 policies;
- 13 (12) Provide policy recommendations to the governor,
14 legislature, and each county to improve the efficacy
15 of the State and each county's fire protection
16 efforts;
- 17 (13) Determine the possible effects of the State and each
18 county's urban expansion initiatives on the State and
19 each county's fire protection efforts, including
20 planning, mitigation, and response coordination
21 efforts, and regularly update any plans developed



- 1 pursuant to this section to include consideration of
2 these effects;
- 3 (14) Coordinate with the Hawaii state emergency response
4 commission to respond to hazardous substance releases;
- 5 (15) Coordinate with the Hawaii emergency management agency
6 to improve the State's emergency preparedness
7 activities and ensure the efficient and effective
8 distribution of resources during a state of emergency
9 declared pursuant to section 127A-14 or any
10 conflagration event;
- 11 (16) Serve as the primary contact for, and have the primary
12 responsibility for coordinating the fire mitigation
13 efforts of, each applicable federal, state, or county
14 department or agency during each conflagration event
15 in the State, including providing public updates
16 regarding the conflagration event;
- 17 (17) Regularly identify areas of the State that are at
18 particular risk of wildfires and include in the annual
19 report to the legislature required under paragraph
20 (19) its findings and recommendations, including any
21 proposed legislation;



- 1 (18) Advise the governor on all matters relating to
2 conflagration events in the State; and
- 3 (19) Submit a report to the legislature no later than
4 twenty days prior to the convening of each regular
5 session detailing:
- 6 (A) The state fire marshal's activities performed
7 during the preceding calendar year;
- 8 (B) The State and each county's fire mitigation
9 efforts undertaken during the preceding calendar
10 year;
- 11 (C) The extent to which the State is prepared for
12 wildfires and other conflagrations;
- 13 (D) The information required under paragraph (17);
- 14 (E) The funding mechanisms used by the state fire
15 marshal during the preceding fiscal year;
- 16 (F) The state fire marshal's expenses incurred during
17 the current and preceding fiscal years; and
- 18 (G) Requested funding for the following fiscal year.
- 19 (c) Within one year of appointment, the state fire marshal
20 shall receive fire marshal certification from a state fire
21 council-approved program.



1 (d) The salary of the state fire marshal shall be set in
2 accordance with section 26-56; provided that the commission on
3 salaries' recommendation shall be commensurate with salaries of
4 state fire marshals in other states.

5 (e) As used in this section, "hazardous substance" shall
6 have the same meaning as in section 128D-1."

7 SECTION 3. Section 26-56, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) The commission shall review and recommend an
10 appropriate salary for the governor, lieutenant governor,
11 members of the legislature, justices and judges of all state
12 courts, administrative director of the State or an equivalent
13 position, state fire marshal, and department heads or executive
14 officers and the deputies or assistants to the department heads
15 of the departments of:

- 16 (1) Accounting and general services;
- 17 (2) Agriculture;
- 18 (3) The attorney general;
- 19 (4) Budget and finance;
- 20 (5) Business, economic development, and tourism;
- 21 (6) Commerce and consumer affairs;



- 1 (7) Corrections and rehabilitation;
- 2 (8) Defense;
- 3 (9) Hawaiian home lands;
- 4 (10) Health;
- 5 (11) Human resources development;
- 6 (12) Human services;
- 7 (13) Labor and industrial relations;
- 8 (14) Land and natural resources;
- 9 (15) Law enforcement;
- 10 (16) Taxation; and
- 11 (17) Transportation.

12 The commission shall not review the salary of any position
13 in the department of education or the University of Hawaii.

14 The commission may recommend different salaries for
15 department heads and executive officers and different salary
16 ranges for deputies or assistants to department heads; provided
17 that the commission shall recommend the same salary range for
18 deputies or assistants to department heads within the same
19 department; provided further that the appointing official shall
20 specify the salary for a particular position within the
21 applicable range.



1 The commission shall not recommend salaries lower than
2 salary amounts recommended by prior commissions replaced by this
3 section."

4 SECTION 4. Section 132-16, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§132-16 State fire council; composition; functions.** (a)

7 There is established a state fire council which shall be placed
8 within the department of labor and industrial relations for
9 administrative purposes. The state fire council shall consist
10 of the fire chiefs of the counties. The state fire council may
11 appoint an advisory committee to assist it in carrying out its
12 functions under this chapter. The advisory committee may
13 include the heads of the various county building departments, a
14 licensed architect recommended by the Hawaii Society of the
15 American Institute of Architects, a licensed electrical engineer
16 and a licensed mechanical engineer recommended by the Consulting
17 Engineers Council of Hawaii, a representative of the Hawaii
18 Rating Bureau, a representative of the Hawaii firefighters
19 association, representatives of the county fire departments, and
20 [~~such~~] any other members of the public as the state fire council



1 may determine can best assist it. The state fire council shall
2 elect a chairperson from among its members.

3 (b) [~~It~~] Except as otherwise provided in section 132- ,
4 in addition to adopting a state fire code pursuant to
5 section 132-3, the state fire council shall:

6 (1) Administer the requirements for reduced ignition
7 propensity cigarettes, in accordance with chapter
8 132C; and

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

14 (c) [~~The~~] Except as otherwise provided in section 132- ,
15 the state fire council may also:

16 (1) Appoint advisory committees comprised of
17 representatives from each county fire department to
18 assist in drafting the state fire code and
19 coordinating statewide training, data collection, and
20 contingency planning needs for firefighters;



1 (2) Advise and assist the county fire departments where
2 appropriate~~[, may]~~; prescribe standard procedures and
3 forms relating to inspections, investigations, and
4 reporting of fires~~[, may]~~; approve plans for
5 cooperation among the county fire departments~~[,]~~; and
6 ~~[may]~~ advise the governor and the legislature with
7 respect to fire prevention and protection, life
8 safety, and any other functions or activities for
9 which the various county fire departments are
10 generally responsible; and

11 (3) Establish, in conformance with the adopted state fire
12 code and nationally recognized standards, statewide
13 qualifications and procedures, to be administered by
14 the county fire departments, for testing, certifying,
15 and credentialing individuals who perform maintenance
16 and testing of portable fire extinguishers,
17 water-based fire protection systems, other fire
18 protection systems, private fire hydrants, and fire
19 alarm systems; provided that the county fire
20 departments may establish and charge reasonable
21 certification fees.



1 (d) The state fire council may adopt rules pursuant to
2 chapter 91 for purposes of this section."

3 SECTION 5. In accordance with section 9 of article VII, of
4 the Constitution of the State of Hawaii and sections 37-91 and
5 37-93, Hawaii Revised Statutes, the legislature has determined
6 that the appropriation contained in this Act will cause the
7 state general fund expenditure ceiling for fiscal year 2024-2025
8 to be exceeded by \$, or per cent. The reasons
9 for exceeding the general fund expenditure ceiling are that the
10 appropriation made in this Act is necessary to serve the public
11 interest and to meet the needs provided for by this Act.

12 SECTION 6. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2024-2025 for
15 the establishment of one permanent full-time equivalent
16 (1.0 FTE) state fire marshal position and full-time
17 equivalent (FTE) administrative positions.

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

20 SECTION 7. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 8. This Act shall take effect on July 1, 2024.

2

INTRODUCED BY:

Justin M. Pearson



S.B. NO. 2193

Report Title:

Department of Labor and Industrial Relations; State Fire Marshal; Establishment; Appropriation

Description:

Establishes the position and duties of the State Fire Marshal. Declares that the appropriation will cause the general fund expenditure ceiling to be exceeded. Appropriates moneys.

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

