



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2085, S.D. 2, RELATING TO THE STATE FIRE MARSHAL.

BEFORE THE:

HOUSE COMMITTEES ON WATER AND LAND AND ON LABOR AND
GOVERNMENT OPERATIONS

DATE: Tuesday, March 19, 2024 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 309 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Jack W. Relf, Deputy Attorney General

Chairs Ichiyama and Matayoshi and Members of the Committees:

The Department of the Attorney General provides the following comments on this bill.

The purpose of this bill is to re-establish the position of the State Fire Marshal; provide the State Fire Marshal with the same powers and authority as county fire chiefs under sections 132D-4, 132D-16.6, and 132D-16.7, and chapter 132, Hawaii Revised Statutes (HRS); and establish the duties of the State Fire Marshal.

Giving the State Fire Marshal the same powers and authority as the county fire chiefs without further clarification could cause confusion and conflict in the application of the laws. While Senate Draft 2 of the bill provides that the determinations of the county fire chiefs shall prevail where there is a conflict between a determination of the State Fire Marshall and the county fire chiefs (page 2, line 19, through page 3, line 2), possible instances of duplicate work, conflict, and confusion remain. Some examples are provided as follows:

- Section 132-2, HRS, provides county fire chiefs with the power to adopt rules relating to the protection of persons and property against fire. It is unclear whether the State Fire Marshal has the authority to adopt another set of rules and to whom such rules would apply. It is

- similarly unclear what would happen if the State Fire Marshal's rules conflicted with rules adopted by a county fire chief.
- Section 132-6(e), HRS, vests in the county fire chiefs the power and jurisdiction over every building and premises in the county as may be necessary to enforce any law, ordinances, rule, and order relating to protection from fire loss. It is not clear whether the State Fire Marshal has this power and jurisdiction in all of the counties.
 - Section 132-10, HRS, provides county fire chiefs with the same powers respecting administering oaths, compelling attendance of witnesses and the production of documentary evidence, and examining witnesses as are possessed by circuit courts. To administer those powers, the section provides that the county corporation counsel can petition a circuit judge to compel obedience and that the fees and travelling expenses of witnesses shall be paid by the appropriate county out of any funds available for the expenses of the county fire chief. If the State Fire Marshal exercises this power as made available by the bill, it is not clear from the text of the bill which entity could petition a circuit judge for an order compelling obedience and which entity should bear the fees and travelling expenses of witnesses.
 - Section 132-13, HRS, establishes a penalty for disobeying an order of a fire chief, but it is not clear whether there is a penalty for disobeying a similar order of the State Fire Marshal.
 - Section 132D-16.6, HRS, authorizes county fire chiefs to conduct inspections of fireworks display sites for compliance with the applicable county code and provides that an inspection fee shall be assessed by the county in which the display will occur and shall be used to defray the cost of the official conducting the investigation. If the State Fire Marshal exercises this authority, the fee assessed would go to the county and would not defray the State Fire Marshal's inspection costs.

- Section 132D-16.7, HRS, authorizes a county fire chief to revoke or suspend a permit issued within the fire chief's county. It is not clear whether the State Fire Marshal has this authority in all of the counties.

We recommend amending the bill to clarify the above points and indicate that where chapters 132 and 132D provide power or authority to the county fire chiefs in their respective counties, whether such power and authority is provided to the State Fire Marshal in all counties. We are available to work with the Committees on possible amendments.

We further recommend amending the bill to remove the phrase "police powers" from the title of the new section 132- on page 2, line 7. While prior drafts of the bill included provisions regarding police powers, the current draft of the bill does not address police powers, so its inclusion in the section title creates confusion.

Next, for clarity, we recommend changing the word "of" on page 3, line 11, to the word "to" in the phrase "[r]eviewing and assessing the fire risk [øf] to the State."

On page 4, line 3, we recommend adding an "s" to "committee" because the State Fire Council may have more than one committee. (See section 132-16(c)(1), HRS).

Also, if the intent is to exempt the position of the State Fire Marshal from chapter 76, HRS, for longer than three years, section 76-16(b), HRS, would need to be amended. (See section 76-16(b)(17)(A), HRS).

Finally, the bill's description on the report title page provides that the bill "[r]e-establishes the Division of the State Fire Marshal," but there has never been a "Division" of the State Fire Marshal. Instead, chapters 132 and 133, HRS – prior to their amendment to remove the position of the State Fire Marshal – referred simply to the "State Fire Marshal." (See chapters 132 and 133, HRS (1976)). We recommend removing the phrase "the Division of" from the bill's description to indicate that the bill re-establishes the State Fire Marshal.

Thank you for the opportunity to provide these comments.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov

March 14, 2024

The Honorable Linda Ichiyama, Chair
Committee on Water and Land
House of Representatives
State Capitol, Room 426
Honolulu, Hawaii 96813

The Honorable Scot Matayoshi, Chair
Committee on Labor and Government Operations
House of Representatives
State Capitol, Room 422
Honolulu, Hawaii 96813

Dear Chairs Ichiyama and Matayoshi:

Subject: Senate Bill (SB) 2085, Senate Draft (SD) 2 Relating to the State Fire Marshal

I am Kazuo Todd, Chair of the Hawaii State Fire Council (SFC). The SFC supports SB 2085, SD2, which re-establishes the position of the State Fire Marshal.

The SFC was established by the Hawaii State (State) Legislature in 1979 to replace the State Fire Marshal's office. It is currently comprised of the four county Fire Chiefs, State of Hawaii, a representative from the Hawaii State Aircraft Fire Fighting Unit (ARFF); and a representative from the Division of Forestry and Wildlife, Department of Land and Natural Resources (DOFAW), and is administratively attached to the State Department of Labor and Industrial Relations (DLIR).

In accordance with Hawaii Revised Statutes §132, the SFC's primary functions are to adopt a state fire code, administer the requirements for reduced ignition propensity cigarettes, and serve as a focal point for federal grants. The SFC may advise and assist the county fire departments where appropriate; prescribe standard procedures and forms related to inspections, investigations, and reporting of fires; and advise the Governor and State Legislature on issues relating to fire prevention and protection and life safety. The SFC promotes the standardization of fire service reporting, training, sharing of technology, resources, and best management practices.

The SFC is limited in the actions it can take because it has a relatively small budget and is staffed with only a few part-time employees. The re-establishment of the State Fire Marshal will create a permanent, full-time position to address fire service issues that occur statewide. This can include statewide enforcement of the fire code, for both state buildings and wildland fire areas, in light of the August 2023 Lahaina fires.

The SFC recommends that the State Fire Marshal be established under the Department of Labor and Industrial Relations and that language regarding the duties of the State Fire Marshal should be as follows:

"§132- State fire marshal; establishment; appointment; powers; duties; responsibilities. (a) There is established within the department of labor and industrial relations a state fire marshal who shall be appointed by the state fire council, without regard to chapter 76. The appointment shall not be subject to the advice and consent of the senate. In the event of a vacancy, the state fire council shall meet expeditiously to select and appoint a new state fire marshal to serve the remainder of the unexpired term.

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

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

(1) Annually review and assess fire risks statewide, consider the emergency resources available for fire response, and work to address gaps in coverage. This involves coordinating fire protection efforts, facilitating interagency MOU/MOAs, and potentially assisting in grants or other funding means to help local agencies enhance the overall fire safety and response capabilities within the state.

(2) Assist and/or lead in the investigation of fires upon request from county agencies to determine cause and origin, and maintain a comprehensive record of all fires within the State, including causes and circumstances.

(3) Assist in the training and certification of fire investigators and inspectors, ensuring they possess the requisite skills and knowledge. Support local agencies with training programs and resources necessary for conducting detailed investigations, enforcing fire codes, and promoting fire safety within their jurisdictions.

(4) Coordinate with local agencies to enhance public education and awareness programs on fire safety, assessing the need for and potentially developing a comprehensive

The Honorable Linda Ichiyama, Chair
The Honorable Scot Matayoshi, Chair
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statewide public fire safety messaging program.

(5) Collaborate with the State Fire Council on fire service matters within the State.

(6) Propose amendments to the State Fire Code for consideration and adoption by the State Fire Council.

(7) Conduct or arrange for inspections of state buildings and facilities for fire safety compliance.

(8) Coordinate state-level fire protection training and support the establishment of training facilities and programs, including statewide standardization of certification and training levels for firefighters.

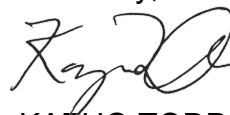
(9) Perform additional duties as assigned or delegated by the State Fire Council.

(10) Prepare an annual report summarizing assessments and reviews conducted under subsection (c) (1) through (9). This report shall be submitted to the Governor and the State Fire Council no later than November 30 of each calendar year.

This bill will allow the SFC and State Fire Marshal to more properly serve as a comprehensive fire service emergency management network for the protection of life, property, and the environment for the State. The SFC urges the committee's approval of SB 2085, SD2, with proposed deletions and amendments.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,



KAZUO TODD
Chair

KT/GL

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHAHA

March 19, 2024

To: The Honorable, Linda Ichiyama, Chair,
The Honorable Scot Z. Matayoshi, Chair,
The Honorable Mahina Poepoe, Vice Chair,
The Honorable Andrew Takuya Garrett, Vice Chair and
Members of the House Committees on Water and Land & Labor and
Government Operations

Date: Tuesday, March 19, 2024
Time: 9:00 a.m.
Place: Conference Room 309, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 2085, S.D. 2, RELATING TO THE STATE FIRE MARSHAL

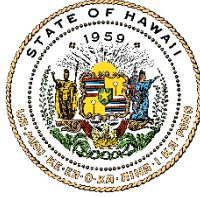
The DLIR **supports the intent** to re-establish a State Fire Marshal and respectfully requests that the Legislature consider allowing the Governor to nominate the State Fire Marshal along with resources and responsibilities to carry out the State Fire Marshal's Office. This proposal would allow the State Fire Marshal to review and assess the fire risk to the State and review the emergency resources that are available in the State to be deployed to address fires.

Currently, the State Fire Council is administratively attached to the department through a Memorandum of Agreement between the DLIR and the City and County of Honolulu. The DLIR is unaware as to why the State Fire Council is administratively attached to the department. The DLIR supports attaching the State Fire Marshall's Office to the DLIR at this time, but suggests further research and recommendations be derived for the appropriate, permanent placement of this office and this function within the Executive Branch.

The DLIR defers to other agencies with subject matter expertise on the duties and responsibilities of the proposed Office of the State Fire Marshal contained in the measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committees on
WATER & LAND
and
LABOR & GOVERNMENT OPERATIONS

Tuesday, March 19, 2024
9:00 AM

State Capitol, Conference Room 309 and Via Videoconference

In consideration of
SENATE BILL 2085 SENATE DRAFT 2
RELATING TO THE STATE FIRE MARSHAL

Senate Bill 2085 Senate Draft 2 proposes to re-establish the position of the State Fire Marshal. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure and provides the following comments.**

The Department suggests using the language from House Bill 1843 HD2, which is attached, instead of the proposed language in this bill. House Bill 1843 HD2 expands the duties of the State Fire Marshal along the lines of what the State Fire Council expects of the position.

Mahalo for the opportunity to comment on this measure.

A BILL FOR AN ACT

RELATING TO FIRE PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that in the aftermath of
2 the Lahaina wildfire, six house of representatives interim
3 working groups were established and charged with evaluating
4 specific topics related to the wildfire and making
5 recommendations for appropriate legislative action in the
6 regular session of 2024. The wildfire prevention working group
7 was tasked to identify the causes of wildfires and preventative
8 action that may be taken to reduce the risk of wildfires
9 throughout the State.

10 The legislature further finds that Hawaii is the only state
11 without a state fire marshal. In 1979, the position of the
12 state fire marshal was abolished and replaced with the state
13 fire council. The state fire council is now composed of the
14 fire chiefs of the four counties, the state aircraft rescue fire
15 fighting unit, and the state protections forester from the
16 department of land and natural resources, division of forestry
17 and wildlife. The state fire council's members serve as non-



1 compensated volunteers as their time allows from their full-time
2 employment. The state fire council has an office staff
3 consisting of two part-time administrative specialists. The
4 legislature further finds that rising global temperatures have
5 increased the risk of fires and dangerous weather conditions in
6 the State and as these risks increase, the State will be better
7 served by having a dedicated state fire marshal.

8 The purpose of this Act is to enact a recommendation of the
9 wildfire prevention working group that establishes the office of
10 the state fire marshal to direct statewide efforts in preventing
11 and responding to fires throughout the State.

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

15 "§132- Office of the state fire marshal; established.

16 (a) There is established the office of the state fire marshal
17 within the department of labor and industrial relations. The
18 office shall be headed by a state fire marshal, who shall be
19 appointed by the governor without regard to chapters 76 and 89,
20 to serve for a period of ten years. The state fire council
21 shall submit a list of three nominees to the governor from which



1 the governor shall appoint the state fire marshal. The state
2 fire marshal may hire staff as necessary.

3 (b) The state fire marshal shall have the qualifications,
4 experience, and expertise in fire safety, prevention, and
5 control necessary to successfully perform the duties of the
6 position.

7 (c) The state fire marshal shall:

- 8 (1) Propose amendments to the state fire code for review
9 and adoption by the state fire council;
- 10 (2) Assist in the investigation of fires when requested by
11 a county;
- 12 (3) Conduct inspections of state buildings and facilities
13 to ensure fire safety compliance;
- 14 (4) Coordinate with county fire departments and other
15 agencies in promoting fire safety and the efficient
16 deployment of fire operations in the State;
- 17 (5) Provide and coordinate public education and awareness
18 on fire safety;
- 19 (6) Oversee the training and certification of fire
20 inspectors and investigators in the State;



- 1 (7) Maintain records of all fires in the State, including
2 the causes and circumstances;
- 3 (8) Administer state-level fire protection training and
4 aid in the establishment of training facilities and
5 programs, including statewide standardization of
6 certification and training levels for firefighters;
- 7 (9) Assist in the disbursement of federal grants for fire
8 protection purposes to the counties; and
- 9 (10) Perform other duties as necessary or delegated by the
10 state fire council.

11 (d) In carrying out the state fire marshal's duties
12 pursuant to this section, the state fire marshal may utilize the
13 services of the state fire council advisory committee and
14 administrative staff."

15 SECTION 3. The state fire council shall submit a report of
16 its findings and recommendations, including any proposed
17 legislation, to the legislature by November 1, 2024. The report
18 shall include the following, at minimum:

- 19 (1) An organizational plan, including structure and
20 personnel plan, for the office of the state fire
21 marshal;



1 (2) A description of the roles and division of
 2 responsibilities between the State and the counties,
 3 and the office of the state fire marshal and the state
 4 fire council, regarding fire prevention and response;
 5 and

6 (3) Proposed operating budget for the office of the state
 7 fire marshal.

8 SECTION 4. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$ or so
 10 much thereof as may be necessary for fiscal year 2024-2025 for
 11 the establishment and operation of the office of the state fire
 12 marshal, including the establishment of full-time
 13 equivalent (FTE) administrative staff positions.

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

16 SECTION 5. In accordance with section 9 of article VII of
 17 the Hawaii State Constitution and sections 37-91 and 37-93,
 18 Hawaii Revised Statutes, the legislature has determined that the
 19 appropriations contained in H.B. No. , will cause the state
 20 general fund expenditure ceiling for fiscal year 2024-2025 to be
 21 exceeded by \$ or per cent. In addition, the



1 appropriation contained in this Act will cause the general fund
2 expenditure ceiling for fiscal year 2024-2025 to be further
3 exceeded by \$ or per cent. The combined total
4 amount of general fund appropriations contained in only these
5 two Acts will cause the state general fund expenditure ceiling
6 for fiscal year 2024-2025 to be exceeded by
7 \$ or per cent. The reasons for exceeding the
8 general fund expenditure ceiling are that:

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

13 SECTION 6. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

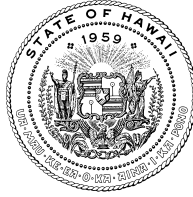
Fire Protection; Office of the State Fire Marshal; State Fire Council; Appropriation; Expenditure Ceiling

Description:

Establishes the office of the state fire marshal to direct fire protection efforts statewide. Appropriates funds. Effective 7/1/3000. (HD2)

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





EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

House Committees on Water & Land and Labor & Government Operations

Tuesday, March 19, 2024

9:00 a.m.

State Capitol, Conference Room 309 and Videoconference

Supports the Intent

Senate Bill No. 2085, SD2, Relating to the State Fire Marshal

Chairs Ichiyama and Matayoshi, Vice Chairs Poepoe and Garrett, and Members on the House Committees on Water & Land and Labor & Government Operations:

The Office of the Governor supports the intent of S.B. No. 2085, SD2, Relating to the State Fire Marshal, which re-establishes the Division of the State Fire Marshal within the Department of Labor and Industrial Relations.

The Maui wildfire resulted in unbearable loss of lives, homes, infrastructure, and businesses. This tragic event is a wake-up call that due to climate changes, the risk of catastrophic wildfires, along with other natural disasters in Hawaii has increased.

As the only state without a state fire marshal, re-establishing this position would help to support the efforts of the state fire council with a full-time state fire marshal office. While we support the intent of this bill to re-establish this position, the Office of the Governor would respectfully ask that the Committee considers amending this bill to allow the Governor to be the authority to appoint the state fire marshal, similar to the provision in House Bill No. 1843, HD2.

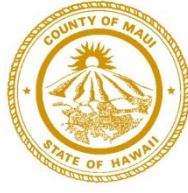
Thank you very much for the opportunity to provide testimony on this measure.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
www.mauicounty.gov

March 13, 2024

The Honorable Linda Ichiyama, Chair
Committee on Water and Land
House of Representatives
State Capitol, Room 426
Honolulu, Hawaii 96813

The Honorable Scot Matayoshi, Chair
Committee on Labor and Government Operations
House of Representatives
State Capitol, Room 422
Honolulu, Hawaii 96813

Dear Chairs Ichiyama and Matayoshi:

SUBJECT: SENATE BILL (SB) 2085, SENATE DRAFT (SD) 2 RELATING TO THE STATE FIRE MARSHAL

I am Bradford K. Ventura, member of the State Fire Council (SFC) and Fire Chief of Maui Fire Department. The SFC supports SB 2085, SD2, which re-establishes the position of the State Fire Marshal.

The SFC was established by the Hawaii State (State) Legislature in 1979 to replace the State Fire Marshal's office. It is currently comprised of the four county Fire Chiefs, State of Hawaii, a representative from the Hawaii State Aircraft Fire Fighting Unit (ARFF); and a representative from the Division of Forestry and Wildlife, Department of Land and Natural Resources (DOFAW), and is administratively attached to the State Department of Labor and Industrial Relations (DLIR).

In accordance with Hawaii Revised Statutes §132, the SFC's primary functions are to adopt a state fire code, administer the requirements for reduced ignition propensity cigarettes, and serve as a focal point for federal grants. The SFC may advise and assist the county fire departments where appropriate; prescribe standard procedures and forms related to inspections, investigations, and reporting of fires; and advise the Governor and State Legislature on issues relating to fire prevention and protection and life safety. The SFC promotes the standardization of fire service reporting, training, sharing of technology, resources, and best management practices.

The SFC is limited in the actions it can take because it has a relatively small budget and is staffed with only a few part-time employees. The re-establishment of the State Fire Marshal will create a permanent, full-time position to address fire service issues that occur statewide. This can include statewide enforcement of the fire code, for both state buildings and wildland fire areas, in light of the August 2023 Lahaina fires.

The Honorable Linda Ichiyama, Chair

The Honorable Scot Matayoshi, Chair

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March 13, 2024

The SFC recommends that the State Fire Marshal be established under the Department of Labor and Industrial Relations and that language regarding the duties of the State Fire Marshal should be as follows:

"§132- State fire marshal; establishment; appointment; powers; duties; responsibilities. (a) There is established within the department of labor and industrial relations a state fire marshal who shall be appointed by the state fire council, without regard to chapter 76. The appointment shall not be subject to the advice and consent of the senate. In the event of a vacancy, the state fire council shall meet expeditiously to select and appoint a new state fire marshal to serve the remainder of the unexpired term.

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

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(2) Assist and/or lead in the investigation of fires upon request from county agencies to determine cause and origin, and maintain a comprehensive record of all fires within the State, including causes and circumstances.

(3) Assist in the training and certification of fire investigators and inspectors, ensuring they possess the requisite skills and knowledge. Support local agencies with training programs and resources necessary for conducting detailed investigations, enforcing fire codes, and promoting fire safety within their jurisdictions.

(4) Coordinate with local agencies to enhance public education and awareness programs on fire safety, assessing the need for and potentially developing a comprehensive statewide public fire safety messaging program.

(5) Collaborate with the State Fire Council on fire service matters within the State.

(6) Propose amendments to the State Fire Code for consideration and adoption by the State Fire Council.

(7) Conduct or arrange for inspections of state buildings and facilities for fire safety compliance.

(8) Coordinate state-level fire protection training and support the establishment of training facilities and programs, including statewide standardization of certification and training levels for firefighters.

(9) Perform additional duties as assigned or delegated by the State Fire Council.

(10) Prepare an annual report summarizing assessments and reviews conducted under subsection (c)(1) through (9). This report shall be submitted to the Governor and the State Fire Council no later than November 30 of each calendar year.

This bill will allow the SFC and State Fire Marshal to more properly serve as a comprehensive fire service emergency management network for the protection of life, property, and the environment for the State. The SFC urges the committee's approval of SB 2085, SD2, with proposed deletions and amendments.

If you have questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or glum@honolulu.gov.

Sincerely,



BRADFORD K. VENTURA
Fire Chief

**HONOLULU FIRE DEPARTMENT
KA 'OIHANA KINAI AHI O HONOLULU
CITY AND COUNTY OF HONOLULU**

636 SOUTH STREET • HONOLULU, HAWAII 96813
PHONE: (808) 723-7139 • FAX: (808) 723-7111 • WEBSITE: honolulu.gov

RICK BLANGIARDI
MAYOR
MEIA



SHELDON K. HAO
FIRE CHIEF
LUNA NUI KINAI AHI

JASON SAMALA
DEPUTY FIRE CHIEF
HOPE LUNA NUI KINAI AHI

March 13, 2024

The Honorable Linda Ichiyama, Chair
Committee on Water and Land
House of Representatives
State Capitol, Room 426
Honolulu, Hawaii 96813

The Honorable Scot Matayoshi, Chair
Committee on Labor and Government Operations
House of Representatives
State Capitol, Room 422
Honolulu, Hawaii 96813

Dear Chairs Ichiyama and Matayoshi:

Subject: Senate Bill (SB) 2085, Senate Draft (SD) 2 Relating to the State Fire Marshal

I am Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports SB 2085, SD2, which reestablishes the position of the State Fire Marshal.

The SFC was established by the Hawaii State (State) Legislature in 1979 to replace the State Fire Marshal's office. It is currently comprised of the four county Fire Chiefs, a representative each from the State Aircraft and Rescue Fire Fighting Unit and the Department of Land and Natural Resources' Division of Forestry and Wildlife, and is administratively attached to the State Department of Labor and Industrial Relations (DLIR).

In accordance with Section 132 of the Hawaii Revised Statutes, the SFC's primary functions are to adopt a state fire code, administer the requirements for reduced ignition propensity cigarettes, and serve as a focal point for federal grants. The SFC may advise and assist the county fire departments where appropriate; prescribe standard procedures and forms related to inspections, investigations, and reporting of fires; and advise the Governor and State Legislature on issues relating to fire prevention and protection and life safety. The SFC promotes the standardization of fire service reporting, training, sharing of technology, resources, and best management practices.

The Honorable Linda Ichiyama, Chair
The Honorable Scot Matayoshi, Chair
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March 13, 2024

The SFC is limited in the actions it can take because it has a relatively small budget and is staffed with only a few part-time employees. The reestablishment of the State Fire Marshal will create a permanent, full-time position to address fire service issues that occur statewide. This can include statewide enforcement of the fire code for state buildings and wildland fire areas in light of the August 2023 Lahaina fires.

The HFD recommends that the State Fire Marshal be established under the DLIR and that language regarding the duties of the State Fire Marshal should be as follows:

"§132- State fire marshal; establishment; appointment; powers; duties; responsibilities. (a) There is established within the department of labor and industrial relations a state fire marshal who shall be appointed by the state fire council, without regard to chapter 76. The appointment shall not be subject to the advice and consent of the senate. In the event of a vacancy, the state fire council shall meet expeditiously to select and appoint a new state fire marshal to serve the remainder of the unexpired term.

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

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

(1) Annually review and assess fire risks statewide, consider the emergency resources available for fire response, and work to address gaps in coverage. This involves coordinating fire protection efforts, facilitating interagency MOU/MOAs, and potentially assisting in grants or other funding means to help local agencies enhance the overall fire safety and response capabilities within the state.

(2) Assist and/or lead in the investigation of fires upon request from county agencies to determine cause and origin, and maintain a comprehensive record of all fires within the State, including causes and circumstances.

(3) Assist in the training and certification of fire investigators and inspectors, ensuring they possess the requisite skills and knowledge. Support local agencies with training programs and resources necessary for conducting detailed investigations, enforcing fire codes, and promoting fire safety within their jurisdictions.

The Honorable Linda Ichiyama, Chair
The Honorable Scot Matayoshi, Chair
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(4) Coordinate with local agencies to enhance public education and awareness programs on fire safety, assessing the need for and potentially developing a comprehensive statewide public fire safety messaging program.

(5) Collaborate with the State Fire Council on fire service matters within the State.

(6) Propose amendments to the State Fire Code for consideration and adoption by the State Fire Council.

(7) Conduct or arrange for inspections of state buildings and facilities for fire safety compliance.

(8) Coordinate state-level fire protection training and support the establishment of training facilities and programs, including statewide standardization of certification and training levels for firefighters.

(9) Perform additional duties as assigned or delegated by the State Fire Council.

(10) Prepare an annual report summarizing assessments and reviews conducted under subsection (c) (1) through (9). This report shall be submitted to the Governor and the State Fire Council no later than November 30 of each calendar year.

This bill will allow the SFC and State Fire Marshal to more properly serve as a comprehensive fire service emergency management network for the protection of life, property, and the environment for the State.

The HFD urges your committees' approval of SB 2085, SD 2, with proposed deletions and amendments.

Should you have questions, please contact Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

SHELDON K. HAO
Fire Chief

SKH/GL:cn

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.


Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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March 17, 2024

TO: The Honorable Linda Ichiyama, Chair, and
Members of the Committee on Water & Land

The Honorable Scot Z. Matayoshi, Chair, and
Members of the Committee on Labor & Government Operations

FROM: Alice L. Lee
Council Chair 

SUBJECT: **HEARING OF MARCH 19, 2024; TESTIMONY IN SUPPORT OF SB 2085,
SD2, RELATING TO THE STATE FIRE MARSHAL**

I **support** this measure to reestablish the State Fire Marshal position to direct statewide efforts to protect people and property against fire loss.

I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. This common-sense proposal in response to the August 2023 Lahaina wildfires will help provide dedicated support for statewide wildfire prevention and protection that already exists in every other state in the nation.
2. The centralized coordination the State Fire Marshal will provide is a health and safety priority. The measure acknowledges that reestablishing this position will fill gaps in State and local enforcement, provide leadership in fire and arson investigations, and ensure mitigation of wildfire risk.
3. Maui County has experienced devastating impacts to life, property, safety, and security as consequences of the recent wildfires. Reestablishing the State Fire Marshal position is a reasonable and cost-effective step that will increase safeguards and protect residents and visitors.

Thank you for your consideration.



**Hawaiian
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEES ON
WATER & LAND
AND
LABOR & GOVERNMENT OPERATIONS**

**SB 2085, SD2
Relating to the State Fire Marshal**

Tuesday, March 19, 2024
9:00 AM
State Capitol, Conference Room 309

Jimmy D. Alberts
Senior Vice President & Chief Operations Officer
Hawaiian Electric

Dear Chair Ichiyama, Chair Matayoshi, Vice Chair Poepoe, Vice Chair Garrett, and Members of the Committees,

My name is Jimmy D. Alberts and I am testifying on behalf of Hawaiian Electric in **support** of SB 2085, SD2, Relating to the State Fire Marshal.

Hawaiian Electric supports the re-establishment of a State Fire Marshal in Hawai'i. With climate change increasing the likelihood and impact of wildfires within the State, State and county agencies must work hand-in-hand to mitigate wildfire risk. Among other duties, the State Fire Marshal would help coordinate fire protection efforts between local agencies for the State, help assess fire risk throughout the State, and ensure that emergency resources are available to be deployed to respond to fires. A position overseeing coordination and collaboration of the individual county fire departments will aid in both prevention of and response to wildfires, as the community continues to work together toward a safer and more resilient Hawai'i.

Thank you for this opportunity to testify in support of SB 2085, SD2.



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII'I

HOUSE COMMITTEES ON WATER AND LAND and LABOR AND GOVERNMENT OPERATIONS

MARCH 19, 2024

SB 2085, SD2, RELATING TO THE STATE FIRE MARSHAL

POSITION: SUPPORT

The Democratic Party of Hawai'i **supports** SB 2085, SD2, relating to the state fire marshal. Pursuant to the “Public Safety and Disaster and Emergency Preparedness” section of the Democratic Party of Hawai'i platform, the party supports “policy that protects the people of Hawai'i and their property against natural and man-made disasters,” and “believes that climate change is real, affirms human activity as its primary cause and main driver, and supports emergency preparedness and planning efforts to mitigate its impacts.”

Last year, we witnessed the impact of the climate emergency on our shores. On August 8, 2023, wildfires swept across Maui and killed at least 100 people, making it one of the nation's deadliest natural disasters. The spread of the fires has been attributed to climate change conditions, such as unusually dry landscapes and the confluence of a strong high-pressure system to the north and Hurricane Dora to the south.

The wildfires destroyed over 2,200 structures, including numerous residential buildings, historic landmarks, and school facilities. In September 2023, a report from the United States Department of Commerce estimated the total economic damage of the wildfires to be roughly \$5.5 billion. According to a report issued by the University of Hawaii Economic Research Organization on September 22, 2023, the unemployment rate on Maui was expected to soar above 11 percent by the end of 2023 and remain above 4 percent through 2026. A total of 10,448 new claims for unemployment in Maui County were filed in the four weeks following the wildfires, about 9,900 more than the preceding four weeks. Displaced families and workers who lost their jobs are still attempting to recover from the disaster, with a full recovery expected to take many years to achieve.

Accordingly, we must do all we can to prevent tragedies like this from recurring on our shores, including by re-establishing the position of the state fire marshal to help mitigate future emergencies. The Hawai'i Emergency Management Agency released an updated State Hazard Mitigation Plan last November, in which the state's wildfire risk level soared 74 percent to 6.6 from its prior level of 3.8 in the 2018 draft of the report.

The updated hazard mitigation plan contains statistics on how many people by county are at risk from wildfire hazards. For Honolulu, 427,293 people could potentially be affected by wildfires, which was listed as the highest risk with a risk factor of 5.7. Maui County also has wildfires as its highest emergency risk with a score of 5.8 and 81,424 people at risk. On Kaua'i, wildfires carry a 5.6 risk level and threaten 27,604 people. Hawai'i Island has a wildfire risk score of 4.6 and 32,080 people at risk.

Wildfires are now designated as the top hazard in the state according to the updated HIEMA report. It is incumbent upon policymakers to respond with urgency to keep our communities safe.

Mahalo nui loa,

Kris Coffield
Co-Chair, Legislative Committee
(808) 679-7454
kriscoffield@gmail.com

Abby Simmons
Co-Chair, Legislative Committee
(808) 352-6818
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MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON WATER & LAND and
LABOR & GOVERNMENT OPERATIONS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 309
Tuesday, March 19, 2024 AT 9:00 A.M.**

To The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water & Land
To The Honorable Scot Z. Matayoshi, Chair
The Honorable Rep. Andrew Takuya Garrett, Vice Chair
Members of the Committee on Labor & Government Operations

COMMENTS ON SB2085 SD2 RELATING TO THE STATE FIRE MARSHAL

The Maui Chamber of Commerce **COMMENTS ON SB2085 SD2.**

The Chamber notes that during the wildfires of August 8, 2023, the resources of the Maui Fire Department (MFD) and the companies that assist the MFD were severely taxed. On the morning of August 9, we reached out to Lieutenant Governor Luke to ask that additional firefighters be brought in and for military assistance as it was too windy for the helicopters to fly and we needed additional manpower to help put out the multiple wildfires and prevent them from spreading. The County of Maui relies on companies outside of the county government to assist in wildfires. These companies have the appropriate equipment and personnel to operate them, that the MFD lacks. This equipment includes helicopters used to drop water/retardant on the fires. We also note that fighting wildfires in mountainous or inaccessible terrain is beyond the normal capabilities of county fire departments.

We note that a State Fire Marshal position is already included in SB2356, along with a corps of elite firefighters. Given that there are many bills looking to add new positions within the state, we feel it is important to see how these compare in an overall comprehensive wildfire preparedness plan and combine them, where possible.

The Chamber looks forward to continued discussions on this and other related bills to find the best possible solutions.

Mahalo for the opportunity to offer **COMMENTS ON SB2085 SD2.**

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

SB-2085-SD-2

Submitted on: 3/18/2024 8:52:05 AM

Testimony for WAL on 3/19/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rosemarie Johnson	Individual	Support	Remotely Via Zoom

Comments:

Dear Chairs,

I am in support to the amendments to SB2085 for effective wildfire management, especially in light of the lessons learned from recent events of the Maui wildfires. Coordinating combined local, state, and federal responses is paramount to prevent billions of dollars in property damage, loss of life and the very resources that make Hawai‘i so exceptional. Moreover, facilitating collaboration between county fire departments and various response assets, including military and civilian resources, is essential for effective and efficient efforts to save lives.

Civilian resources have proved critical and necessary in Hawai‘i due to the lack of manpower throughout the state in individual counties. Thus leveraging resources such as the Civil Air Patrol for enhanced warning systems can further bolster emergency preparedness.

Recognizing the broader applicability of other civilian resource capabilities, including Search And Rescue (SAR) teams such as; Oahu SAR, Maui SAR, Kauai SAR, and Big Island SAR for support with search operations from any type of mass casualty industrial accident to a wilderness excursion gone wrong, underscores the importance of a comprehensive approach to emergency management within the state.

Integrating SAR provisions into Section 132(c)(6) would to enhance and strengthen the bill's effectiveness and facilitate efficient coordination and resource allocation of the necessary trainings, assets, and manpower enhancing the state's ability to champion safety and prevention. It would leverage existing county SAR teams, foster collaboration, and eliminate competition among agencies and organizations.

It's important to acknowledge that in accordance with the best practices across the country, Hawai‘i currently lacks key components essential for SAR operations, placing it behind national

standards. Unlike many other states, Hawai'i lacks a legislated standard of care for SAR, including a State SAR Coordinator, a written plan, a budget, and a dedicated board for budget allocation. Addressing this gap requires legislative action to establish clear authority and responsibility for SAR, along with standardized response protocols.

By refining the language to include SAR into Section 132(c)(6), we begin to provide a solution to this gap. If we have learned any lessons from the wildfires, let it be that this is an essential gap that needs to be filled for the safety of our residents and guests. Therefore, I respectfully request that the following wording be strongly considered to Section 132(c)(6): "Reviewing the emergency resources that are available in the State to be deployed to address fires (and SAR operations)."

Mahalo for your consideration.

Sincerely,

Rosemarie Johnson

Maui, Hawai'i

Rosemarie@PONO-Consulting.com