

ACT 338

S.B. NO. 3226

A Bill for an Act Relating to the Land Fire Protection Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 185-1, Hawaii Revised Statutes, is amended to read as follows:

“§185-1 Responsible agency. The department of land and natural resources shall take measures for the prevention, control, and extinguishment of forest fires

on state owned and private lands within the forest reserves [and], game management areas, public [shooting grounds] hunting areas, and natural area reserves of the State and shall cooperate with established fire control agencies of the counties and the federal government in developing plans and programs and mutual aid agreements for assistance for the prevention, control and extinguishment of fires on forest, pasture, and brush lands not within forest reserves[.], game management areas, public hunting areas, and natural area reserves.”

SECTION 2. Section 185-3, Hawaii Revised Statutes, is amended to read as follows:

“**§185-3 Powers and duties of foresters and fire wardens.** (a) The [state forester] administrator of forestry and wildlife shall be responsible to the board of land and natural resources for supervision of the organization plans and actions of the fire warden.

(1) (b) The [state forester] administrator of forestry and wildlife shall have the power and duty to [following duties and powers]: [review]

- (1) Review and approve plans, prepared by the chief fire wardens, zoning each island under the chief fire warden’s jurisdiction into fire districts; [recommend]
- (2) Recommend to the board the appointment of a fire warden for each fire district in accordance with section 185-2; [appoint,]
- (3) Appoint special fire wardens who shall serve without compensation but who shall have the same benefits, powers, and duties as district fire wardens during the term of their appointments pending the filling of vacant fire warden positions by the board or during periods when a fire warden is unable, because of illness, absence from the district, or for any valid reason, to perform or attend to the fire warden’s duties for periods not to exceed two months[.]; [special fire wardens who shall serve without compensation but who shall have the same benefits, powers and duties as district fire wardens during the term of their appointments; establish]
- (4) Establish procedures and guidelines for the prevention, control and extinguishment of fires coming within the meaning of fires in this chapter; [establish]
- (5) Establish procedures, guidelines and conditions for the issuance of fire permits and for determining periods when forest areas shall be closed; [close]
- (6) Close forest areas when necessary; [summon]
- (7) Summon, when [the state forester deems it] necessary, men and fire fighting equipment, supplies and materials needed to extinguish fires; [act]
- (8) Act as fire boss or assign a fire boss to supervise the operations of controlling and extinguishing fires; [arrest]
- (9) Arrest without warrant any person who in the presence of the administrator of forestry and wildlife commits[ting in the state forester’s presence] any of the offenses prohibited by this chapter; and [to do]
- (10) Do any act which the chief fire warden or district warden is empowered to perform under this chapter.

(2) Chief fire warden.] (c) The chief fire warden of each island shall have the power and duty to [following duties and powers]: [prepare]

- (1) Prepare a master plan for zoning the island into fire districts; [make]
- (2) Make recommendations to the [state forester] administrator of forestry and wildlife who will then recommend to the board for the appointment of fire wardens for each fire district; [take]

(3) Take necessary measures for the prevention, control, and extinguishment of fires coming within the meaning of this chapter; [supervise]

(4) Supervise the work of fire wardens, and, when necessary, recommend to the [state forester] administrator of forestry and wildlife for the appointment for periods of time limited to two months of special fire wardens to serve without compensation who shall have the same powers as district fire wardens during their term of appointment; [issue]

(5) Issue fire warning notices during dry periods or other seasons when fire hazards are great; [close]

(6) Close forest reserves, game management areas, public hunting areas, and natural area reserves to public access during dry periods when necessary to reduce fire risk, except it shall be lawful for the owner or the owner's agents or other persons regularly engaged in harvesting, processing or moving farm or forest products to enter the closed area for essential residential or commercial purposes; [issue]

(7) Issue burning permits and authorize fire wardens to issue burning permits as provided in section 185-7; [receive,]

(8) Receive, audit, and if correct, approve and transmit to the board through the [state forester] administrator of forestry and wildlife, all reports and accounts for expenses incurred in the prevention, control, and extinguishment of any fires which come within the meaning of this chapter; [summon]

(9) Summon, when [the chief fire warden deems] necessary, additional fire fighting assistance, equipment, supplies, or materials to assist fire wardens in fighting a fire; [assume]

(10) Assume full responsibility, upon relieving any fire warden of such responsibility, for directing the control and extinguishment of any fire coming within the meaning of this chapter, including directing the control and extinguishment of any fire on or threatening any government or private lands in forest reserves, game management areas, [and] public [shooting grounds;] hunting areas, and natural area reserves; [conduct]

(11) Conduct educational work in the protection of forest, pasture, and brush lands against fires; [arrest]

(12) Arrest without warrant any person committing in the chief fire warden's presence any of the offenses prohibited by this chapter.

[(3) District fire warden.] (d) The district fire warden shall have the following duties and powers within the district fire warden's assigned district: [advise]

(1) Advise the chief fire warden of the need of fire warning notices; and, if issued, assist in posting the warnings; [issue]

(2) Issue burning permits, when authorized by the chief fire warden; [summon]

(3) Summon and have control of (unless relieved by the [state forester] administrator of forestry and wildlife or chief fire warden as herein provided) all persons, equipment, apparatus, supplies, and materials used or needed for fighting a fire; [authority]

(4) Authority to incur expenses for the purposes of and in accordance with this part, provided that the district fire warden may relinquish such authority to the chief fire warden of the island; [submit]

(5) Submit to the chief fire warden a correct and itemized account of expenses, together with a report of the fire on forms supplied by the department; [arrest]

(6) Arrest without warrant any person committing in the district fire warden's presence any of the offenses prohibited by this chapter."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 13, 1988.)