

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO FIRE PREVENTION.

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

1           SECTION 1. The legislature finds that Hawaii is the only  
2 state in the country without a state fire marshal. The  
3 legislature further finds that, without a government agency or  
4 specific position tasked with coordinating statewide fire  
5 prevention and mitigation efforts, Hawaii's wildfire  
6 preparedness lacks cohesion and a statewide strategic plan. The  
7 legislature also finds that a state fire marshal would have been  
8 helpful in preventing, as well as immediately responding to, the  
9 August 8, 2023, wildfires in Lahaina.

10           Accordingly, the purpose of this Act is to:

- 11           (1) Establish the position of the state fire marshal;
- 12           (2) Authorize the state fire marshal to employ seven fire  
13 enforcement officers to issue citations to and remove  
14 persons creating fire risks on state lands, who should  
15 be paid equal to what county fire inspectors are paid  
16 in order to facilitate recruitment and retention; and
- 17           (3) Appropriate funds.



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

4 "§132- State fire marshal; establishment; appointment;  
5 powers; duties; responsibilities. (a) There is established  
6 within the department of labor and industrial relations a state  
7 fire marshal who shall be appointed by the state fire council,  
8 without regard to chapter 76. The appointment shall not be  
9 subject to the advice and consent of the senate. In the event  
10 of a vacancy, the state fire council shall meet expeditiously to  
11 select and appoint a new state fire marshal to serve the  
12 remainder of the unexpired term.

13 (b) The state fire marshal shall have the same powers and  
14 authority as county fire chiefs under sections 132D-4, 132D-  
15 16.6, and 132D-16.7, and this chapter.

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

- 18 (1) Coordinating fire protection efforts between local  
19 agencies for the State;  
20 (2) Leading fire and arson investigations;  
21 (3) Making arrests pertaining to arson; and



1       (4) Working with the state fire council on matters  
2               relating to fire services in the State.

3       (d) The state fire marshal may employ seven paid fire  
4 enforcement officers, who shall serve at the state fire  
5 marshal's pleasure.

6       The fire enforcement officers shall have the same powers  
7 and authority as county fire chiefs under this chapter. The  
8 duties of the fire enforcement officers shall include but not be  
9 limited to:

10       (1) Issuing citations to persons creating fire risks on  
11               state lands; and

12       (2) Removing persons trespassing and creating fire risks  
13               on state lands.

14       (e) In carrying out the duties of this section, the state  
15 fire marshal may utilize the services of the state fire council,  
16 including its advisory committee and administrative staff, as  
17 appropriate."

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

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



- 1           (1) Administer the requirements for reduced ignition
- 2                     propensity cigarettes, in accordance with chapter
- 3                     132C; [and]
- 4           (2) Serve as a focal point through which all applications
- 5                     to the federal government for federal grant assistance
- 6                     for fire-related projects shall be made. Upon the
- 7                     receipt of any such federal grants, the state fire
- 8                     council shall administer those federal grants[-];
- 9           (3) Establish the terms of employment for the position of
- 10                    the state fire marshal; and
- 11           (4) Appoint the state fire marshal."

12           SECTION 4. In accordance with section 9 of article VII of

13 the Hawaii State Constitution and sections 37-91 and 37-93,

14 Hawaii Revised Statutes, the legislature has determined that the

15 appropriations contained in Act 164, Regular Session of 2023,

16 and this Act will cause the state general fund expenditure

17 ceiling for fiscal year 2024-2025 to be exceeded by

18 \$                or                per cent. This current declaration takes

19 into account general fund appropriations authorized for fiscal

20 year 2024-2025 in Act 164, Regular Session of 2023, and this Act



1 only. The reasons for exceeding the general fund expenditure  
2 ceiling are that:

3 (1) The appropriation made in this Act is necessary to  
4 serve the public interest; and

5 (2) The appropriation made in this Act meets the needs  
6 addressed by this Act.

7 SECTION 5. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2024-2025 for  
10 seven full-time equivalent (7.0 FTE) fire enforcement officer  
11 positions within the department of labor and industrial  
12 relations.

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

15 SECTION 6. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2434

**Report Title:**

State Fire Marshal; Fire Enforcement Officers; State Fire Council; Fire Risks; State Lands; Positions; Expenditure Ceiling; Appropriation

**Description:**

Establishes the position of the State Fire Marshal. Authorizes the State Fire Marshal to employ seven fire enforcement officers to issue citations to and remove persons creating fire risks on state lands. Declares that the general fund expenditure ceiling is exceeded. 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.*

