
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 2023 Maui wildfires, the department of the attorney general
3 initiated an investigation and retained the independent, third-
4 party Fire Safety Research Institute, part of UL Research
5 Institutes, to assess the performance of state and county
6 agencies in preparing for and responding to the 2023 Maui
7 wildfires. The investigation led to three reports – a "Phase 1"
8 comprehensive timeline report, a "Phase 2" incident analysis
9 report, and a "Phase 3" forward-looking report.

10 The "Phase 3" forward-looking report organized these
11 findings and provided a prioritized list of action items for the
12 State and all counties for changes to be made to improve
13 Hawaii's response to wildfires. The report calls for changes
14 and improvements to the office of the state fire marshal, which
15 was established by Act 209, Session Laws of Hawaii 2024 – among
16 them, bolstering statutory authority of the office of the state
17 fire marshal to address the wide spectrum of fire safety issues,



1 delineating responsibilities and reporting structures between
2 the state fire marshal and the state fire council, and creating
3 an organizational structure to immediately address the State's
4 fire-safety priorities effectively.

5 Accordingly, the purpose of this Act is to amend the laws
6 concerning the office of the state fire marshal to best
7 effectuate the recommendations of the "Phase 3" forward-looking
8 report.

9 SECTION 2. Chapter 132, Hawaii Revised Statutes, is
10 amended by adding seventeen new sections to be appropriately
11 designated and to read as follows:

12 **"§132-A Definitions. As used in this chapter:**

13 "Defensible space" means a natural or human-made area in
14 which material capable of supporting the spread of fire has been
15 treated, cleared, or modified to slow the rate and intensity of
16 advancing wildfires and allowing space for fire suppression
17 operations to occur.

18 "Department" means the department of defense.

19 "Fire protection equipment" means any apparatus, machinery,
20 or appliance intended for use by a fire service unit in fire
21 prevention or suppression activities.



1 "Office" means the office of the state fire marshal.

2 **§132-B Office of the state fire marshal; established.** (a)

3 The office of the state fire marshal is established within the
4 department for administrative purposes. The office shall be
5 headed by the state fire marshal.

6 (b) The state fire marshal may organize and reorganize the
7 administrative structure of the office as the state fire marshal
8 considers appropriate to properly conduct the work of the
9 office.

10 (c) The state fire marshal may divide the functions of the
11 office into administrative divisions. The state fire marshal
12 may appoint an individual to administer each division. Each
13 individual appointed under this subsection shall be well
14 qualified by technical training and experience in the functions
15 to be performed by the individual.

16 **§132-C Office of the state fire marshal; powers and duties**
17 **generally.** (a) The office shall:

18 (1) Review and assess the fire risk of the State;

19 (2) Coordinate fire protection efforts among local
20 agencies for the State;



- 1 (3) Adopt the state fire code, in consultation with and in
2 consideration of recommendations provided by the state
3 fire council;
- 4 (4) Review the emergency resources that are available in
5 the State to be deployed to address fires and other
6 natural and manmade disasters;
- 7 (5) Develop and adopt statewide training standards for
8 fire-related matters, including fire prevention, fire
9 inspection, fire investigation, and fire suppression;
- 10 (6) Coordinate the development of the state fire code and
11 amendments thereto through consultation with
12 appropriate stakeholders, including the state fire
13 council and county fire chiefs;
- 14 (7) Work with the state and county law enforcement
15 agencies for enforcement of the state fire code;
16 provided that law enforcement agencies shall have
17 primary law enforcement jurisdiction;
- 18 (8) Upon request of a local official having enforcement
19 responsibility and a showing of unusual fire hazard or
20 other special circumstances, investigate and make
21 appropriate recommendations. The state fire marshal



1 may investigate or cause an investigation to be made
2 to determine the probable cause, origin, and
3 circumstances of any fire and shall classify the
4 findings as the state fire marshal may find
5 appropriate to promote fire protection and prevention.

6 The state fire marshal shall coordinate and consult
7 with local county authorities in the event that the
8 state fire marshal needs to summon witnesses related
9 to a fire investigation;

10 (9) Prescribe standard procedures and forms relating to
11 inspections, investigations, and reporting of fires;

12 (10) Establish statewide qualifications and procedures for
13 testing, certifying, and credentialing individuals who
14 perform maintenance and testing of portable fire
15 extinguishers, water-based fire protection systems,
16 other fire protection systems, private fire hydrants,
17 and fire alarm systems, in conformance with the
18 adopted state fire code and generally accepted
19 evidence-based codes and standards. The county fire
20 department shall administer the qualifications and



procedures and may establish and charge reasonable
certification fees;

(11) Oversee the training and certification of fire
inspectors and investigators in the State; and

(12) Maintain records of all fires in the State, including
the causes and circumstances.

(b) The office shall adopt rules pursuant to chapter 91
necessary to implement this chapter, including rules relating
to:

(1) The prevention of fires;

(2) The storage and use of combustibles and explosives;

(3) The maintenance and regulation of structural fire
safety features in occupied structures and overseeing
the safety of and directing the means and adequacy of
exit in case of fire from factories, hospitals,
churches, schools, halls, theaters, stadiums, all
state-owned buildings, and all other places where
large numbers of persons work, live, or congregate
from time to time for any purpose; provided that
structural changes shall not be required in buildings
built, occupied, and maintained in conformity with



1 state building code regulations applicable at the time
2 of construction;

3 (4) Standards for equipment used for fire protection
4 purposes within the State, including standard thread
5 for fire hose coupling and hydrant fittings; and

6 (5) Procedures for developing and amending the state fire
7 code.

8 All rules adopted under this subsection shall establish
9 minimum standards of the State. Any rules adopted by a county
10 fire chief under section 132-2 that do not meet the minimum
11 standards established by the rules adopted under this subsection
12 shall be preempted unless exempted pursuant to subsection (d).

13 The office, in making rules establishing minimum standards
14 for the protection of life and property against fire pursuant to
15 this chapter, shall consider generally accepted evidence-based
16 codes and standards. The state fire marshal may request
17 consideration and recommendation from the county fire chiefs,
18 the state fire council, and any other entity with relevant
19 experience before adopting any rules.

20 (c) The state fire marshal and deputies shall have the
21 powers and perform other duties, as prescribed by law.



1 (d) If, in the opinion of the state fire marshal, the fire
2 chief of a county has adopted adequate rules generally
3 conforming to state and national standards concerning fire
4 prevention, fire safety measures, and building construction
5 requirements for safety, and if the county provides reasonable
6 enforcement of its rules, the state fire marshal shall exempt
7 the county either partially or fully from the statutes and rules
8 administered by the state fire marshal; provided that:

9 (1) Any exemption granted pursuant to this subsection
10 shall be for a two-year period, and may be renewed
11 from time to time, but may be canceled by the state
12 fire marshal following thirty-days' written notice if
13 the state fire marshal finds that the county's rules
14 or enforcement thereof are not reasonably sufficient;

15 (2) The state fire marshal shall designate a county fire
16 chief or any other appropriate person or division
17 within the county as an approved authority for
18 exercising functions relating to fire prevention, fire
19 safety measures, and building construction; and



1 (3) The state fire marshal may consult with the state fire
2 council or the state building code council when
3 considering an exemption under this subsection.

4 **§132-D Office of the state fire marshal; discretionary**
5 **powers.** The office may:

6 (1) Establish headquarters and county offices of the
7 office at places the department considers advisable
8 for the protection of the State;

9 (2) Allow the state fire marshal and deputy state fire
10 marshals to operate authorized emergency vehicles as
11 defined by section 291C-1;

12 (3) Use land and buildings for the accommodation of office
13 employees and office vehicles and equipment;

14 (4) Contract or otherwise cooperate with any person or
15 public agency for the procurement of necessary
16 services or property, subject to chapter 103D where
17 applicable, including by entering into lease
18 agreements and taking title to real property as
19 necessary for the performance of the duties of the
20 office;



1 (5) As an emergency services agency, control and regulate
2 the acquisition, operation, use, maintenance and
3 disposal of, and access to, motor vehicles and
4 equipment for official state fire business;

5 (6) Accept and transfer gifts, grants, donations, and
6 funds from any source, including services and
7 property, to carry out the duties of the office;

8 (7) Provide training, or enter into contracts to obtain
9 training services, in fire suppression and fire safety
10 inspection, to departments and agencies that issue
11 licenses;

12 (8) Explore additional opportunities to reduce wildfire
13 risk, including engaging with:

14 (A) The insurance commissioner, as defined in section
15 431:2-102, regarding insurance policy coverage
16 provisions, underwriting standards, insurance
17 rates, and any other insurance related topic
18 relevant to enhancing the protection of property
19 from wildfire at a reasonable cost;

20 (B) Electric utilities regarding further actions to
21 protect public safety, reduce risk to electric



1 company customers, and promote electrical system
2 resilience to wildfire damage; and

3 (C) Federal agencies to expand opportunities for
4 cost-share partnerships for wildfire mitigation
5 and develop strategies for improvements to
6 federal fire management policies applicable to
7 the State; and

8 (9) Perform any other duties necessary to discharge its
9 duties.

10 **§132-E Preparation of statistical reports.** Every two
11 years, the state fire marshal shall cause to be prepared
12 statistical reports on the history and condition of state fire
13 defenses, and an analysis of contributing factors of fire causes
14 for the period of the report. The reports shall be posted on
15 the office's website and publicly available upon request,
16 subject to a price not to exceed the cost of printing and
17 distribution. The reports compiled under this section shall
18 include a compilation or summary of the county fire chief's
19 records prepared pursuant to section 132-1(a), in addition to
20 any other sources the state fire marshal deems appropriate.



1 **§132-F Powers and duties relating to wildfire readiness.**

2 The office shall increase the State's wildfire readiness
3 capacity to the extent the department receives funding for the
4 increase, including by:

5 (1) Increasing fire prevention personnel and fire
6 administrative support personnel to address planning,
7 communications, training, deployment, and safety;

8 (2) Implementing innovative technologies and modernizing
9 systems to expedite fire resource deployment in an
10 efficient and safe manner;

11 (3) Entering into contracts or agreements with federal or
12 state agencies, other states, political subdivisions,
13 corporations, and authorities, having fire suppression
14 jurisdiction for fire prevention, suppression,
15 coordination, and response; and

16 (4) Coordinating with the Hawaii emergency management
17 agency.

18 **§132-G Preparation of emergency plans by state fire**

19 **marshal.** The state fire marshal, in consultation with the
20 Hawaii emergency management agency, shall provide advice and



1 counsel to the governor for the most practical utilization of
2 the fire-fighting resources of the State.

3 **§132-H State fire marshal; terms of employment.** (a) The
4 state fire marshal shall be the administrator of the office and
5 shall be appointed by the state fire council to serve for a term
6 of five years. The appointment of the state fire marshal shall
7 be made without regard to chapters 76 and 89, and shall not be
8 subject to the advice and consent of the senate. In the event
9 of a vacancy, the state fire council shall meet expeditiously to
10 select and appoint a new state fire marshal to serve the
11 remainder of the unexpired term.

12 (b) The state fire marshal shall be qualified to direct
13 the technical and executive work of the office and shall have
14 education or training related to the programs of the office and
15 significant experience in managing fire protection or related
16 programs.

17 **§132-I Deputies and assistants.** The state fire marshal
18 shall appoint two deputy state fire marshals, exempt from
19 chapters 76 and 89, whose duties shall be to assist in
20 implementing this chapter. The office may also employ other
21 assistants and employees and incur other expenses as the state



1 fire marshal may deem necessary to effectively administer the
2 office. Each deputy state fire marshal shall be well qualified
3 by technical training and experience in the functions to be
4 performed by the individual. The state fire marshal may remove
5 any deputy state fire marshal for cause.

6 **§132-J Salaries and expenses.** Excepting the state fire
7 marshal and deputy state fire marshal positions, all positions
8 in the office shall be subject to chapter 76. Other expenses of
9 the office necessary in the performance of the duties imposed
10 upon the office and state fire marshal shall be paid in the same
11 manner as the expenses of other offices of the department.

12 **§132-K Recordkeeping.** The office shall keep a record of
13 all fires occurring in the State and of all facts concerning the
14 same, including statistics as to the extent of the fires and the
15 damage causes, whether the losses were covered by insurance, and
16 if so, in what amount. All the records shall be public, except
17 information protected from disclosure pursuant to chapter 92F.
18 The records compiled under this section shall be a compilation
19 of the county fire chief's records prepared pursuant to section
20 132-1.



1 **§132-L Standardization of existing fire protection**

2 **equipment; exemption.** (a) The standardization of existing fire
3 protection equipment in the State shall be arranged for and
4 carried out by or under the direction of the state fire marshal
5 who may proceed to make the changes necessary to standardize all
6 existing fire protection equipment in the State. Before making
7 any change, the state fire marshal may request consideration of
8 and recommendation regarding the change from the state fire
9 council or the county fire departments. The state fire marshal
10 shall provide the appliances necessary for carrying out this
11 work and shall proceed with the standardization as rapidly as
12 possible and complete the work at the earliest date
13 circumstances permit.

14 (b) The state fire marshal may exempt from standardization
15 special purpose fire equipment and existing fire protection
16 equipment when it is established that the equipment is not
17 essential to the coordination of public fire protection
18 operations.

19 **§132-M Private equipment.** The state fire marshal shall
20 notify industrial establishments and property owners having
21 equipment for fire protection purposes, which may be necessary



1 for a county fire department to use in protecting the property
2 or putting out fire, of the changes necessary to bring their
3 equipment up to the requirements of the standard established and
4 shall render them assistance as may be available in converting
5 their defective equipment to standard requirements.

6 **§132-N Sale of nonstandard equipment prohibited;**

7 **exemption.** (a) No person shall sell or offer for sale in the
8 State any fire hose, hydrant, fire engine, or other equipment
9 for fire protection purposes unless the equipment is fitted and
10 equipped with the standard thread for fire hose couplings and
11 hydrant fittings as required by the standardization adopted by
12 the state fire marshal under section 132-L.

13 (b) Fire equipment for special purposes or research
14 programs, or special features of fire protection equipment found
15 appropriate for uniformity within a particular protection area,
16 may be exempted from the requirement of subsection (a) by order
17 of the state fire marshal.

18 (c) Any person who violates this section shall be fined
19 not more than \$500 or imprisoned not more than thirty days, or
20 both.



1 **§132-O Provision of uniforms, response apparatus, motor**
2 **vehicles, and all emergency supplies and equipment; uniform**
3 **design.** (a) The office shall provide office employees with
4 standard uniforms, response apparatus, motor vehicles, and all
5 other emergency supplies and equipment necessary to carry out
6 the duties of the office.

7 (b) The state fire marshal shall specify a pattern and
8 distinctive design for the uniforms described in subsection (a).

9 (c) The state fire marshal may enter into agreements with
10 other governmental agencies for the purpose of resource sharing
11 of response apparatus, motor vehicles, and all other emergency
12 supplies and equipment necessary to carry out the fire safety
13 and prevention laws of the State.

14 **§132-P Application for adjustments or variances.** When the
15 state fire marshal finds that practical difficulties,
16 unnecessary hardship, or consequences inconsistent with the
17 general purposes of statutes and rules administered by the state
18 fire marshal relating to fire protection and fire prevention may
19 result under the statutes and rules, the state fire marshal may,
20 upon receipt of a verified application from the owner or
21 occupant of the property affected stating fully the grounds of



1 the application and facts relied upon, and upon further
2 investigation, grant adjustments or variances with the
3 conditions and safeguards as the state fire marshal may
4 determine in harmony with the general purpose, intent, and
5 spirit of the fire protection and fire prevention statutes and
6 rules, so that the public health, safety, and welfare shall be
7 secured and substantial justice be done. The adjustments or
8 variances shall be restricted to unique, unusual, or peculiar
9 circumstances or substitute materials or arrangements. The
10 state fire marshal may refer the application to the state fire
11 council for recommendation before making a decision. Except as
12 otherwise specified by law, the order of the state fire marshal
13 granting or denying an adjustment or a variance shall be final
14 and conclusive.

15 **§132-Q Minimum defensible space requirements; duties of**
16 **the state fire marshal; enforcement powers of local governments;**
17 **assistance to local governments.** (a) The state fire marshal:

18 (1) Shall consult with the state fire council to establish
19 minimum defensible space requirements;

20 (2) Shall establish requirements that are consistent with
21 and do not exceed the standards pertaining to



1 defensible space in generally accepted evidence-based
2 codes and standards;

3 (3) May consider best practices specific to the State and
4 traditional and customary practices relating to
5 defensible space to establish the requirements;

6 (4) Shall periodically reexamine generally accepted
7 evidence-based codes and standards and update the
8 requirements to reflect the current best practices,
9 which may be conducted in consultation with the state
10 fire council;

11 (5) Shall enforce the requirements that are applicable to
12 state lands within the jurisdiction of a county;

13 (6) Shall adopt rules governing administration of the
14 requirements;

15 (7) May develop, in consultation with the state fire
16 council, a graduated fine structure for the counties'
17 use in assessing civil penalties on property owners
18 for noncompliance with the requirements;

19 (8) Shall consult with stakeholders, such as local
20 governments or political subdivisions, on
21 implementation of the requirements; and



1 (9) May adopt rules concerning reports by local
2 governments as described in subsection (b).

3 (b) Each county fire chief may adopt and enforce local
4 requirements for defensible space that are greater than the
5 minimum defensible space requirements established by the state
6 fire marshal. Any local requirements that a county fire chief
7 adopts for defensible space shall be defensible space standards
8 selected from the framework set forth in generally accepted
9 evidence-based codes or standards or other best practices suited
10 to the State.

11 (c) The office may provide financial, administrative,
12 technical, or other assistance to a county to facilitate the
13 administration and enforcement of the minimum defensible space
14 requirements within the jurisdiction of the county. The county
15 shall expend financial assistance provided by the state fire
16 marshal under this subsection to give priority to the creation
17 of defensible space:

18 (1) On lands where members of socially and economically
19 vulnerable communities, persons who are limited
20 English proficient, and persons of lower income
21 reside;



1 (2) For critical or emergency infrastructure; and

2 (3) For schools, hospitals, and facilities that serve
3 seniors."

4 SECTION 3. Section 26-21, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§26-21 Department of defense.** (a) The department of
7 defense shall be headed by a single executive to be known as the
8 adjutant general. The adjutant general shall also be the
9 director of the Hawaii emergency management agency as
10 established in section 127A-3.

11 The department shall be responsible for the defense of the
12 State and its people from mass violence, originating from either
13 human or natural causes.

14 The devolution of command of the military forces in the
15 absence of the adjutant general shall be within the military
16 establishment. The devolution of command of the Hawaii
17 emergency management agency in the absence of the adjutant
18 general, as director of the agency, shall be within the agency.

19 (b) The office of veterans' services and the advisory
20 board on veterans' services as constituted by chapter 363 are



1 placed within the department of defense for administrative
2 purposes.

3 (c) The office of the state fire marshal as constituted by
4 chapter 132 is placed within the department of defense for
5 administrative purposes."

6 SECTION 4. Section 76-16, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The civil service to which this chapter applies shall
9 comprise all positions in the State now existing or hereafter
10 established and embrace all personal services performed for the
11 State, except the following:

12 (1) Commissioned and enlisted personnel of the Hawaii
13 National Guard and positions in the Hawaii National
14 Guard that are required by state or federal laws or
15 regulations or orders of the National Guard to be
16 filled from those commissioned or enlisted personnel;

17 (2) Positions filled by persons employed by contract where
18 the director of human resources development has
19 certified that the service is special or unique or is
20 essential to the public interest and that, because of
21 circumstances surrounding its fulfillment, personnel



1 to perform the service cannot be obtained through
2 normal civil service recruitment procedures. Any
3 contract may be for any period not exceeding one year;

4 (3) Positions that must be filled without delay to comply
5 with a court order or decree if the director
6 determines that recruitment through normal recruitment
7 civil service procedures would result in delay or
8 noncompliance, such as the Felix-Cayetano consent
9 decree;

10 (4) Positions filled by the legislature or by either house
11 or any committee thereof;

12 (5) Employees in the office of the governor and office of
13 the lieutenant governor, and household employees at
14 Washington Place;

15 (6) Positions filled by popular vote;

16 (7) Department heads, officers, and members of any board,
17 commission, or other state agency whose appointments
18 are made by the governor or are required by law to be
19 confirmed by the senate;

20 (8) Judges, referees, receivers, masters, jurors, notaries
21 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special
2 temporary service;

- 3 (9) One bailiff for the chief justice of the supreme court
4 who shall have the powers and duties of a court
5 officer and bailiff under section 606-14; one
6 secretary or clerk for each justice of the supreme
7 court, each judge of the intermediate appellate court,
8 and each judge of the circuit court; one secretary for
9 the judicial council; one deputy administrative
10 director of the courts; three law clerks for the chief
11 justice of the supreme court, two law clerks for each
12 associate justice of the supreme court and each judge
13 of the intermediate appellate court, one law clerk for
14 each judge of the circuit court, two additional law
15 clerks for the civil administrative judge of the
16 circuit court of the first circuit, two additional law
17 clerks for the criminal administrative judge of the
18 circuit court of the first circuit, one additional law
19 clerk for the senior judge of the family court of the
20 first circuit, two additional law clerks for the civil
21 motions judge of the circuit court of the first



1 circuit, two additional law clerks for the criminal
2 motions judge of the circuit court of the first
3 circuit, and two law clerks for the administrative
4 judge of the district court of the first circuit; and
5 one private secretary for the administrative director
6 of the courts, the deputy administrative director of
7 the courts, each department head, each deputy or first
8 assistant, and each additional deputy, or assistant
9 deputy, or assistant defined in paragraph (16);

10 (10) First deputy and deputy attorneys general, the
11 administrative services manager of the department of
12 the attorney general, one secretary for the
13 administrative services manager, an administrator and
14 any support staff for the criminal and juvenile
15 justice resources coordination functions, and law
16 clerks;

17 (11) (A) Teachers, principals, vice-principals, complex
18 area superintendents, deputy and assistant
19 superintendents, other certificated personnel,
20 and no more than twenty noncertificated



administrative, professional, and technical
personnel not engaged in instructional work;

(B) Effective July 1, 2003, teaching assistants,
educational assistants, bilingual or bicultural
school-home assistants, school psychologists,
psychological examiners, speech pathologists,
athletic health care trainers, alternative school
work study assistants, alternative school
educational or supportive services specialists,
alternative school project coordinators, and
communications aides in the department of
education;

(C) The special assistant to the state librarian and
one secretary for the special assistant to the
state librarian; and

(D) Members of the faculty of the [~~University~~]
university of Hawaii, including research workers,
extension agents, personnel engaged in
instructional work, and administrative,
professional, and technical personnel of the
university;



(12) Employees engaged in special, research, or demonstration projects approved by the governor;

(13) (A) Positions filled by inmates, patients of state institutions, and persons with severe physical or mental disabilities participating in the work experience training programs;

(B) Positions filled with students in accordance with guidelines for established state employment programs; and

(C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;

(14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;



1 (15) Positions filled by persons employed on a fee,
2 contract, or piecework basis, who may lawfully perform
3 their duties concurrently with their private business
4 or profession or other private employment and whose
5 duties require only a portion of their time, if it is
6 impracticable to ascertain or anticipate the portion
7 of time to be devoted to the service of the State;

8 (16) Positions of first deputies or first assistants of
9 each department head appointed under or in the manner
10 provided in section 6, article V, of the Hawaii State
11 Constitution; three additional deputies or assistants
12 either in charge of the highways, harbors, and
13 airports divisions or other functions within the
14 department of transportation as may be assigned by the
15 director of transportation, with the approval of the
16 governor; one additional deputy in the department of
17 human services either in charge of welfare or other
18 functions within the department as may be assigned by
19 the director of human services; four additional
20 deputies in the department of health, each in charge
21 of one of the following: behavioral health,



1 environmental health, hospitals, and health resources
2 administration, including other functions within the
3 department as may be assigned by the director of
4 health, with the approval of the governor; two
5 additional deputies in charge of the law enforcement
6 programs, administration, or other functions within
7 the department of law enforcement as may be assigned
8 by the director of law enforcement, with the approval
9 of the governor; three additional deputies each in
10 charge of the correctional institutions,
11 rehabilitation services and programs, and
12 administration or other functions within the
13 department of corrections and rehabilitation as may be
14 assigned by the director of corrections and
15 rehabilitation, with the approval of the governor; two
16 administrative assistants to the state librarian; and
17 an administrative assistant to the superintendent of
18 education;

19 (17) Positions specifically exempted from this part by any
20 other law; provided that:



1 (A) Any exemption created after July 1, 2014, shall
2 expire three years after its enactment unless
3 affirmatively extended by an act of the
4 legislature; and

5 (B) All of the positions defined by paragraph (9)
6 shall be included in the position classification
7 plan;

8 (18) Positions in the state foster grandparent program and
9 positions for temporary employment of senior citizens
10 in occupations in which there is a severe personnel
11 shortage or in special projects;

12 (19) Household employees at the official residence of the
13 president of the [~~University~~] university of Hawaii;

14 (20) Employees in the department of education engaged in
15 the supervision of students during meal periods in the
16 distribution, collection, and counting of meal
17 tickets, and in the cleaning of classrooms after
18 school hours on a less than half-time basis;

19 (21) Employees hired under the tenant hire program of the
20 Hawaii public housing authority; provided that no more
21 than twenty-six per cent of the authority's workforce



1 in any housing project maintained or operated by the
2 authority shall be hired under the tenant hire
3 program;

4 (22) Positions of the federally funded expanded food and
5 nutrition program of the [~~University~~] university of
6 Hawaii that require the hiring of nutrition program
7 assistants who live in the areas they serve;

8 (23) Positions filled by persons with severe disabilities
9 who are certified by the state vocational
10 rehabilitation office that they are able to perform
11 safely the duties of the positions;

12 (24) The sheriff;

13 (25) A gender and other fairness coordinator hired by the
14 judiciary;

15 (26) Positions in the Hawaii National Guard youth and adult
16 education programs;

17 (27) In the Hawaii state energy office in the department of
18 business, economic development, and tourism, all
19 energy program managers, energy program specialists,
20 energy program assistants, and energy analysts;



- 1 (28) Administrative appeals hearing officers in the
2 department of human services;
- 3 (29) In the Med-QUEST division of the department of human
4 services, the division administrator, finance officer,
5 health care services branch administrator, medical
6 director, and clinical standards administrator;
- 7 (30) In the director's office of the department of human
8 services, the enterprise officer, information security
9 and privacy compliance officer, security and privacy
10 compliance engineer, security and privacy compliance
11 analyst, information technology implementation
12 manager, assistant information technology
13 implementation manager, resource manager, community or
14 project development director, policy director, special
15 assistant to the director, and limited English
16 proficiency project manager or coordinator;
- 17 (31) The Alzheimer's disease and related dementia services
18 coordinator in the executive office on aging;
- 19 (32) In the Hawaii emergency management agency, the
20 executive officer, public information officer, civil
21 defense administrative officer, branch chiefs, and



1 emergency operations center state warning point
2 personnel; provided that for state warning point
3 personnel, the director shall determine that
4 recruitment through normal civil service recruitment
5 procedures would result in delay or noncompliance;

6 (33) The executive director and seven full-time
7 administrative positions of the school facilities
8 authority;

9 (34) Positions in the Mauna Kea stewardship and oversight
10 authority;

11 (35) In the office of homeland security of the department
12 of law enforcement, the statewide interoperable
13 communications coordinator;

14 (36) In the social services division of the department of
15 human services, the business technology analyst;

16 (37) The executive director and staff of the 911 board;

17 [+] (38) [+] Senior software developers in the department of
18 taxation;

19 [+] (39) [+] In the department of law enforcement, five Commission
20 on Accreditation for Law Enforcement Agencies, Inc.,
21 coordinator positions;



1 ~~[+](40)[+ The]~~ In the office of the state fire marshal~~[+]~~, the
2 state fire marshal and deputy state fire marshals; and
3 ~~[+](41)[+]~~ The administrator for the law enforcement standards
4 board.

5 The director shall determine the applicability of this
6 section to specific positions.

7 Nothing in this section shall be deemed to affect the civil
8 service status of any incumbent as it existed on July 1, 1955."

9 SECTION 5. Section 107-26, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**S107-26 Hawaii state building codes; prohibitions.** In
12 adopting the Hawaii state building codes, the council shall not
13 adopt provisions that:

14 (1) Relate to administrative, permitting, or enforcement
15 and inspection procedures of each county; or

16 (2) Conflict with:

17 (A) Chapters 444 and 464; or

18 (B) Section 46-4.7~~[+]~~; or

19 (3) Are less stringent than the standards or requirements
20 set by the state fire code."



1 SECTION 6. Section 107-28, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The governing body of each county shall amend, adopt,
4 and update the Hawaii state building codes as they apply within
5 their respective jurisdiction, in accordance with section
6 46-1.5(13), without approval of the council~~[-]~~; provided that a
7 county shall not amend provisions of the Hawaii state building
8 codes to render them less stringent than the standards or
9 requirements set by the state fire codes. Each county shall
10 amend and adopt the Hawaii state building codes and standards
11 listed in section 107-25, as the referenced Hawaii state
12 building codes and standards for its respective county building
13 code ordinance, no later than two years after the adoption of
14 the Hawaii state building codes."

15 SECTION 7. Section 132-2, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§132-2 General power to make rules.** Subject to chapter
18 91, the fire chief of each county may adopt rules which shall
19 not be inconsistent with the provisions of any ordinance
20 relating to the protection of persons and property against fire.
21 Any rule adopted by the fire chief under this section that is



1 less stringent than rules adopted by the office pursuant to
2 section 132-C shall be preempted by the office's rule. Any rule
3 adopted pursuant to this section shall not lower the standards
4 or requirements set forth in the state fire code and rules
5 adopted by the office. [~~Such~~] The rules may relate to:

6 (1) Prevention of fires, and the inspection of property,
7 periodically or otherwise, or for the prevention of or
8 reduction of loss by fire, or to promote the safety of
9 persons in case of fire;

10 (2) Manufacture, storage, sale, and use of combustibles
11 and explosives;

12 (3) Installation and maintenance of automatic, or other
13 fire alarm systems, and fire extinguishing equipment;

14 (4) Fire escape and other means of exits from or access to
15 buildings or parts of buildings or other property in
16 case of fire including the exterior approaches to
17 exits of places of assembly."

18 SECTION 8. Section 132-3, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§132-3 Adoption of state fire code.** The state fire
21 [~~council~~] marshal shall, [~~pursuant to chapter 92 and~~] exempt



1 from the requirements of chapter 91, adopt a state fire code
2 setting forth minimum requirements relative to the protection of
3 persons and property from fire loss, including without
4 limitation:

5 (1) The storage, handling, and use of hazardous
6 substances, materials, and devices; and

7 (2) The control of conditions hazardous to life or
8 property in the design, use, or occupancy of buildings
9 and premises.

10 The state fire code shall become part of the Hawaii state
11 building codes as provided in section 107-25. The state fire
12 code shall provide the minimum standards and requirements and
13 take precedence over any conflicting county ordinance or rule
14 that provides less stringent standards or requirements than the
15 state fire code. Any county that adopts rules pursuant to this
16 chapter may provide for greater protection from fire and shall
17 not provide for less protection than what is provided in the
18 state fire code. The state fire council shall meet annually
19 pursuant to chapter 92 to review and [amend] provide
20 recommendations to the state fire marshal for amendments to the
21 state fire code[-], if appropriate."



1 SECTION 9. Section 132-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§132-4 Investigation of fires; criminal prosecutions.**

4 The fire chief of the county in which any fire occurs shall
5 immediately investigate the cause, origin, and circumstances of
6 fire by which property has been destroyed or damaged and so far
7 as possible determine whether the fire was the result of
8 carelessness or design. A county fire chief may request the
9 office to assist with the investigation of a fire as provided in
10 section 132-C.

11 If after any investigation the county fire chief is of the
12 opinion that the evidence in relation to the fire indicates that
13 a crime has been committed, the fire chief shall present the
14 evidence to the prosecuting officer of the county in which the
15 supposed offense was committed, with the request that the
16 prosecuting officer institute ~~such~~ criminal proceedings as the
17 evidence may warrant.

18 In the event that the office is of the opinion that the
19 evidence in relation to a fire indicates that a crime has been
20 committed, the office or state fire marshal shall coordinate
21 with the relevant county fire chief to present the evidence to



1 the prosecuting officer of the county in which the supposed
2 offense was committed."

3 SECTION 10. Section 132-4.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~{}~~\$132-4.5~~{}~~ **Investigation of fires; immunity for**
6 **information received from insurers.** (a) The fire chief of each
7 county or the state fire marshal may require any insurer in
8 writing to release information relating to any investigation the
9 insurer has made concerning a loss or potential loss due to fire
10 of suspicious or incendiary origin which information shall
11 include but not be limited to:

12 (1) An insurance policy relating to ~~such~~ the loss;
13 (2) Policy premium records;
14 (3) History of previous claims; and
15 (4) Other relevant material relating to ~~such~~ the loss or
16 potential loss.

17 (b) If any insurer has reason to suspect that a fire loss
18 to its insured's real or personal property was caused by
19 incendiary means, the insurer shall furnish the county fire
20 chief or state fire marshal with all relevant material acquired
21 during its investigation of the fire loss, cooperate with and



1 take [~~such~~] action as may be required of it by the county fire
2 chief[~~7~~] or state fire marshal, and permit any person ordered by
3 the court to inspect any of its records pertaining to the policy
4 and the loss. Such insurer may request the county fire chief or
5 state fire marshal to release information relating to any
6 investigation the fire chief or state fire marshal has made
7 concerning any [~~such~~] fire loss of suspicious or incendiary
8 origin.

9 (c) In the absence of fraud, malice, or criminal act, no
10 insurer or person who furnishes information on its behalf, shall
11 be liable for damages in a civil action or be subject to
12 criminal prosecution for any oral or written statement made that
13 is necessary to supply information required pursuant to this
14 section.

15 (d) The county fire chief or state fire marshal receiving
16 any information furnished pursuant to this section shall hold
17 the information in confidence until such time as its release is
18 required in furtherance of a criminal or civil proceeding.

19 (e) The county fire chief, in person or by officers or
20 members of the fire chief's fire department, or the state fire
21 marshal, in person or by deputies or employees of the office,



1 may be required to testify as to any information in the fire
2 chief's or state fire marshal's possession regarding the fire
3 loss of real or personal property in any civil action in which
4 any person seeks recovery under a policy against any insurance
5 company for the fire loss."

6 SECTION 11. Section 132-5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§132-5 Right of entry for inspection; unlawful to**
9 **obstruct.** The county fire chief [~~or~~], the chief's designees,
10 the state fire marshal, or the state fire marshal's designees,
11 at all reasonable hours may enter any buildings, structures, or
12 premises within the fire chief's jurisdiction, except the
13 interior of private dwellings, to make any inspection,
14 investigation, or examination that is authorized to be made
15 under this chapter. The county fire chief [~~or~~], the chief's
16 designees, the state fire marshal, or the state fire marshal's
17 designees may enter any private dwelling whenever the fire chief
18 [~~or~~], the chief's designees, the state fire marshal, or the
19 state fire marshal's designees have reason to believe that
20 dangerous conditions creating a fire hazard exist in the
21 dwelling. The county fire chief [~~or~~], the chief's designees,



1 the state fire marshal, or the state fire marshal's designees
2 may enter any private dwelling when a fire has occurred in the
3 dwelling. It shall be unlawful to obstruct, hinder, or delay
4 any person having the right to make the inspection,
5 investigation, or examination in the performance of duty.

6 The county fire chief [~~or~~], the chief's designees, the
7 state fire marshal, or the state fire marshal's designees are
8 authorized to make an inspection of all buildings and
9 facilities, except state-owned airport facilities, the frequency
10 of which shall be made in accordance with section 132-6, and
11 shall make a report to the authorities responsible for the
12 maintenance of any building or facility when it is found that a
13 building or facility does not meet minimum standards of fire and
14 safety protection."

15 SECTION 12. Section 132-6, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§132-6 Duties of county fire chiefs; periodic**
18 **inspections; orders to remove fire hazards; appeals.** (a) Each
19 county fire chief, in person or by officers or members of the
20 fire chief's fire department designated by the fire chief for
21 that purpose, shall inspect all buildings, premises, and public



1 thoroughfares, except the interiors of private dwellings and
2 state-owned airport facilities, for the purpose of ascertaining
3 and causing to be corrected any conditions liable to cause fire
4 or any violation of any law, ordinance, rule, or order relating
5 to fire hazard or to the prevention of fires.

6 (b) The inspection shall be made:

7 (1) At least once each year at all public schools; and

8 (2) At least once every five years, or as often as deemed
9 practicable or necessary by the county fire chief at
10 all other buildings and premises to provide fire
11 prevention and pre-fire planning within the
12 jurisdiction of the county fire chief.

13 The [State] office of the state fire marshal shall conduct fire
14 and safety inspections at all state-owned airport facilities at
15 least once a year.

16 (c) A written report of each inspection shall be kept on
17 file in the office of the county fire chief.

18 (d) A copy of any report showing a change in the hazard or
19 any violation of law, ordinance, rule or order relating to the
20 fire hazard upon any risk, shall be given by the county fire



1 chief to any rating bureau making written request of the fire
2 chief therefor.

3 (e) Each county fire chief [~~is~~] shall be vested with the
4 power and jurisdiction over, and shall have supervision of,
5 every building and premises in the county as may be necessary to
6 enforce any law, ordinances, rule, and order relating to
7 protection from fire loss; provided that this provision shall
8 not in any manner limit the jurisdiction or authority which any
9 other county official may have over [~~such~~] the building or
10 premises under any other law or ordinance. Whenever as a result
11 of inspection or upon complaint or otherwise the county fire
12 chief determines that a law, ordinance, rule or order relating
13 to protection from fire loss has been violated or that a
14 condition exists which creates an unreasonable risk of fire
15 loss, the fire chief shall prepare and serve upon the owner,
16 occupant, or other person responsible for the building or
17 premises a written order setting forth the nature of the alleged
18 violation or condition, the law, ordinance, rule or order
19 violated, and the protections, safeguards, or other means or
20 methods required to render the building or premises safe as
21 required by law, ordinance, or rule. The order shall be



1 complied with by the owner or occupant or person responsible for
2 the building or premises within the time therein specified
3 unless a timely appeal is taken pursuant to subsection (f) of
4 this section.

5 (f) Owner's appeal to county fire appeals board. The
6 owner or occupant may, within five days, appeal from any order
7 made by the county fire chief to the county fire appeals board,
8 which shall, within thirty days, and after a hearing pursuant to
9 chapter 91, review the order and file its decision thereon,
10 modifying, affirming, or revoking the order. Each county shall
11 by ordinance establish a county fire appeals board and shall
12 provide for its composition.

13 (g) Notwithstanding the provisions of subsection (e) of
14 this section where the county fire chief determines that a clear
15 and immediate risk of fire loss exists, the fire chief may after
16 notice to the owner or occupant or other person responsible for
17 the building or premises, and after a hearing pursuant to
18 chapter 91, order ~~such~~ the person to take all actions
19 reasonably necessary to render the building or premises safe
20 from fire loss; provided that no notice or hearing shall be
21 required where the county fire chief determines that the risk of



1 fire loss is sufficiently immediate that delay would be
2 dangerous to the public safety and welfare. If any owner,
3 occupant, or other person responsible for the building or
4 premises fails to comply with the order of the county fire
5 chief, the county fire chief may take ~~[such]~~ action and make
6 ~~[such expenditure]~~ expenditures as may be necessary and if the
7 owner, occupant, or other person responsible neglects or refuses
8 to pay to the county fire chief the expense incurred by the fire
9 chief, the county shall have a prior lien on the real property
10 as provided for in section 132-7.

11 (h) To the extent that the office may have similar duties
12 and responsibilities pursuant to section 132-C as the county
13 fire departments, the county fire departments and the office
14 shall have concurrent jurisdiction. This concurrent
15 jurisdiction shall not relieve either the county fire
16 departments or the office from performing their lawfully
17 required duties."

18 SECTION 13. Section 132-9, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§132-9 Submission of building plans for approval.** The
21 county fire chief shall be authorized by each respective county



1 to require plans or documentation, or both, to show compliance
2 with the county's adopted fire code for the following:

3 (1) Construction, alteration, rehabilitation, or addition
4 to any building, structure, or facility;

5 (2) Changes in the use of a building or structure, or a
6 change in occupancy; and

7 (3) Installation or alteration of any procedures,
8 equipment, property, or structure for any life safety
9 or fire protection systems.

10 No work shall commence without the necessary permits issued
11 by the jurisdiction having authority.

12 No adjustment or variance from the state fire code in a
13 building plan shall be approved by a county fire chief unless
14 the office approves the adjustment or variance pursuant to
15 section 132-P.

16 This section shall be applicable to the State and the
17 counties, and other municipal subdivisions, and their officers,
18 as well as to private persons."

19 SECTION 14. Section 132-10, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**S132-10 Witnesses; fees.** The county fire appeals board
2 ~~[or]~~, the county fire chief, or the state fire marshal shall in
3 all proceedings have the same powers respecting administering
4 oaths, compelling the attendance of witnesses and the production
5 of documentary evidence, and examining witnesses as are
6 possessed by circuit courts. In case of disobedience by any
7 person of any order of the county fire appeals board ~~[or]~~, the
8 county fire chief, or the state fire marshal or of any subpoena
9 issued by ~~[either]~~ any of them or of the refusal of any witness
10 to testify to any matter regarding which the witness may be
11 questioned lawfully, any circuit judge, on application by the
12 county corporation counsel, shall compel obedience as in case of
13 disobedience of all requirements of a subpoena issued from a
14 circuit court or a refusal to testify therein. The fees and
15 traveling expenses of witnesses shall be the same as are allowed
16 witnesses in the circuit courts and shall be paid by the
17 appropriate county out of any appropriation or funds available
18 for the expenses of the county fire chief~~[or]~~ or, in the case of
19 a summons by the state fire marshal, shall be paid out of any
20 appropriation or funds available for the expense of the state
21 fire marshal."



1 SECTION 15. Section 132-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§132-11 Recorded order of county fire chiefs and state**
4 **fire marshal as evidence.** A duplicate original of every order
5 made by each county fire chief shall be filed in the fire
6 chief's office and ~~[such]~~ a duplicate original of every order
7 made by the state fire marshal shall be filed in the office of
8 the state fire marshal. A duplicate original shall be admissible
9 as evidence in any prosecution for the violation of any of its
10 provisions. Unless an appeal has been instituted and is
11 pending, the provisions of any order shall be presumed to be
12 reasonable and lawful and to fix a reasonable and proper
13 standard and requirement of safety from fire loss."

14 SECTION 16. Section 132-12, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§132-12 Court aid.** Each county fire chief or the state
17 fire marshal may invoke the aid of any court of competent
18 jurisdiction to enforce any order or action made or taken by the
19 fire chief or state fire marshal in pursuance of law."

20 SECTION 17. Section 132-13, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§132-13 Penalty.** Any owner, occupant, or other person
2 having control over or charge of any building, structure, or
3 other premises who violates any provision of this chapter or any
4 law, ordinance, or rule relating to protection from fire loss or
5 who fails or refuses to comply with any order of the county fire
6 chief or any order of the state fire marshal shall be fined [~~no~~]
7 not more than \$2,500 or imprisoned [~~no~~] not more than thirty
8 days, or both. Each day that a violation exists or continues to
9 exist shall constitute a distinct and separate offense for which
10 the violator may be punished. Penalties for continuing
11 violations shall be assessed from the earliest known date of the
12 violation. In addition to the penalty imposed under this
13 section, counties may assess and collect civil penalties based
14 on the penalty structure set forth by the state fire marshal
15 pursuant to section 132-Q."

16 SECTION 18. Section 132-16, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§132-16. State fire council; composition; functions.** (a)
19 There is established a state fire council, which shall be placed
20 within the department [~~of labor and industrial relations~~] for
21 administrative purposes. The state fire council shall consist



1 of the state fire marshal, the fire chiefs of the counties, the
2 fire chief of the Hawaii state aircraft rescue fire fighting
3 unit, and a representative of the division of forestry and
4 wildlife of the department of land and natural resources. The
5 state fire council may appoint an advisory committee to assist
6 it in carrying out its functions under this chapter. The
7 advisory committee may include the heads of the various county
8 building departments, a licensed architect recommended by the
9 Hawaii Society of the American Institute of Architects, a
10 licensed electrical engineer and a licensed mechanical engineer
11 recommended by the Consulting Engineers Council of Hawaii, a
12 representative of the Hawaii Rating Bureau, a representative of
13 the Hawaii Fire Fighters Association, representatives of the
14 county fire departments, a representative of the Hawaii state
15 aircraft rescue fire fighting unit, a representative of the
16 division of forestry and wildlife of the department of land and
17 natural resources, and other members of the public as the state
18 fire council may determine can best assist it. The state fire
19 council shall elect a chairperson from among its members.

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



- 1 (1) Administer the requirements for reduced ignition
2 propensity cigarettes, in accordance with chapter
3 132C;
- 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 Provide the state fire marshal with recommendations on
10 the state fire code as provided in section 132-3;
- 11 (3) ~~[Establish the terms of employment for the position of~~
12 ~~the state fire marshal; and]~~ Advise the governor on
13 fire policy issues and serve in an advisory capacity
14 to the state fire marshal on strategies for the
15 implementation of fire and life safety issues;
- 16 (4) Appoint the state fire marshal~~[]~~; and
- 17 (5) Coordinate with the state building code council on
18 matters pertaining to fire safety.
- 19 (c) The state fire council may also:
- 20 (1) Appoint advisory committees comprising representatives
21 from each county fire department, a representative of



1 the Hawaii state aircraft rescue fire fighting unit,
2 and a representative of the division of forestry and
3 wildlife of the department of land and natural
4 resources to assist in drafting the state fire code
5 and coordinating statewide training, data collection,
6 and contingency planning needs for firefighters;

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

17 (3) ~~[Establish, in conformance with the adopted state fire~~
18 ~~code and nationally recognized standards, statewide~~
19 ~~qualifications and procedures, to be administered by~~
20 ~~the county fire departments, for testing, certifying,~~
21 ~~and credentialing individuals who perform maintenance~~



1 ~~and testing of portable fire extinguishers, water-~~
2 ~~based fire protection systems, other fire protection~~
3 ~~systems, private fire hydrants, and fire alarm~~
4 ~~systems; provided that the county fire departments may~~
5 ~~establish and charge reasonable certification fees]~~

6 Make recommendations to the state fire marshal
7 concerning any matter referred to the state fire
8 council by the state fire marshal or any matter
9 considered by the state fire council on its own motion
10 relating to fire prevention, protection from fire, or
11 other safety measures;

12 (4) Review any conflicts that may arise in the adoption,
13 amendment, or implementation of the state fire codes
14 at the state and county levels or in the adoption,
15 amendment, or implementation of rules proposed or
16 adopted by the office or the counties pursuant to this
17 chapter;

18 (5) Consider any application for adjustment or variance
19 made pursuant to section 132-P and referred to the
20 state fire council by the state fire marshal and make
21 recommendations on the disposition of the application



1 to the state fire marshal within thirty days after the
2 referral. With regard to a referred matter:

3 (A) The state fire council may hold a hearing and
4 receive testimony during its meeting subject to
5 chapter 92; and

6 (B) That the state fire marshal indicates is of
7 statewide importance or may affect a large part
8 of the island or regional community, the state
9 fire council shall hold a hearing and receive
10 testimony during its meeting subject to chapter
11 92.

12 The recommendation of the state fire council shall be
13 made in writing to the state fire marshal and shall be
14 accompanied by a summary of any testimony received,
15 any documentary or physical evidence received, any
16 affidavit submitted by the applicant, and a summary of
17 any special facts found by the state fire council.

18 The recommendation of the state fire council shall be
19 posted to the department's website; and

20 (6) Hear and consider, and make recommendations to the
21 state fire marshal concerning any appeal from a state



1 fire marshal order within thirty days after referral
2 of the appeal to the state fire council by the state
3 fire marshal. The recommendation of the state fire
4 council shall be made in writing to the state fire
5 marshal and shall be accompanied by a summary of any
6 testimony received, any documentary or physical
7 evidence received, and a summary of any special facts
8 found by the state fire council. The recommendation
9 of the state fire council shall be posted on the
10 department's website.

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

13 SECTION 19. Section 132-18, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) The budgetary requirements for conducting meetings
16 and other related functions of the state fire council, including
17 the salaries of the administrator and administrative assistant,
18 shall be included in the budget of the department [~~of labor and~~
19 ~~industrial relations~~]."



1 SECTION 20. Section 291C-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "authorized emergency
3 vehicle" to read as follows:

4 "Authorized emergency vehicle" includes fire department
5 vehicles, police vehicles, ambulances, ocean safety vehicles,
6 law enforcement vehicles, ~~[and]~~ conservation and resources
7 enforcement vehicles, and office of the state fire marshal
8 vehicles authorized and approved pursuant to section 291-31.5
9 that are publicly owned and other publicly or privately owned
10 vehicles designated as such by a county council."

11 SECTION 21. Section 132-16.5, Hawaii Revised Statutes, is
12 repealed.

13 ~~["§132-16.5] Office of the state fire marshal;~~
14 ~~established. (a) There is established the office of the state~~
15 ~~fire marshal within the department of labor and industrial~~
16 ~~relations. The office shall be headed by a state fire marshal,~~
17 ~~who shall be appointed by the state fire council to serve for a~~
18 ~~term of five years. The appointment of the state fire marshal~~
19 ~~shall be made without regard to chapters 76 and 89, and shall~~
20 ~~not be subject to the advice and consent of the senate. In the~~
21 ~~event of a vacancy, the state fire council shall meet~~



1 ~~expeditiously to select and appoint a new state fire marshal to~~
2 ~~serve the remainder of the unexpired term. The state fire~~
3 ~~marshal may hire staff as necessary.~~

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

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

10 ~~(1) Coordinating fire protection efforts between local~~
11 ~~agencies for the State;~~

12 ~~(2) Working with the state fire council on matters~~
13 ~~relating to fire services in the State;~~

14 ~~(3) Working with state and county law enforcement agencies~~
15 ~~for enforcement of the state fire code;~~

16 ~~(4) Reviewing and assessing the fire risk of the State;~~

17 ~~(5) Reviewing and proposing amendments to the state fire~~
18 ~~code and submitting the proposed amendments to the~~

19 ~~state fire council for the state fire council's~~

20 ~~consideration in its adoption of or amendments to the~~

21 ~~state fire code;~~



- 1 ~~(6) Reviewing the emergency resources that are available~~
- 2 ~~in the State to be deployed to address fires;~~
- 3 ~~(7) Assessing whether the State would benefit from a~~
- 4 ~~statewide public fire safety messaging program;~~
- 5 ~~(8) Assisting in the investigation of fires when requested~~
- 6 ~~by a county;~~
- 7 ~~(9) Conducting inspections of state buildings and~~
- 8 ~~facilities to ensure fire safety compliance;~~
- 9 ~~(10) Providing and coordinating public education and~~
- 10 ~~awareness on fire safety;~~
- 11 ~~(11) Overseeing the training and certification of fire~~
- 12 ~~inspectors and investigators in the State;~~
- 13 ~~(12) Maintaining records of all fires in the State,~~
- 14 ~~including the causes and circumstances;~~
- 15 ~~(13) Assisting in the disbursement of federal grants for~~
- 16 ~~structural fire protection purposes to the counties;~~
- 17 ~~and~~
- 18 ~~(14) Performing other duties as necessary or delegated by~~
- 19 ~~the state fire council.~~
- 20 ~~(d) In carrying out the duties of this section, the state~~
- 21 ~~fire marshal may utilize the services of the state fire council,~~



1 ~~including its advisory committees and administrative staff, as~~
2 ~~appropriate."]~~

3 SECTION 22. All rights, powers, functions, and duties of
4 the department of labor and industrial relations regarding the
5 state fire council are transferred to the department of defense.
6 All officers and employees whose functions are transferred by
7 this Act shall be transferred with their functions and shall
8 continue to perform their regular duties upon their transfer,
9 subject to the state personnel laws and this Act. No officer or
10 employee of the State having tenure shall suffer any loss of
11 salary, seniority, prior service credit, vacation, sick leave,
12 or other employee benefit or privilege as a consequence of this
13 Act, and such officer or employee may be transferred or
14 appointed to a civil service position without the necessity of
15 examination; provided that the officer or employee possesses the
16 minimum qualifications for the position to which transferred or
17 appointed; and provided that subsequent changes in status may be
18 made pursuant to applicable civil service and compensation laws.
19 An officer or employee of the State who does not have tenure and
20 who may be transferred or appointed to a civil service position
21 as a consequence of this Act shall become a civil service



1 employee without the loss of salary, seniority, prior service
2 credit, vacation, sick leave, or other employee benefits or
3 privileges and without the necessity of examination; provided
4 that such officer or employee possesses the minimum
5 qualifications for the position to which transferred or
6 appointed. If an office or position held by an officer or
7 employee having tenure is abolished, the officer or employee
8 shall not thereby be separated from public employment, but shall
9 remain in the employment of the State with the same pay and
10 classification and shall be transferred to some other office or
11 position for which the officer or employee is eligible under the
12 personnel laws of the State as determined by the head of the
13 department or the governor.

14 SECTION 23. All rules, policies, procedures, guidelines,
15 and other material adopted or developed by the department of
16 labor and industrial relations to implement provisions of the
17 Hawaii Revised Statutes that are reenacted or made applicable to
18 the department of defense by this Act shall remain in full force
19 and effect until amended or repealed by the department of
20 defense pursuant to chapter 91, Hawaii Revised Statutes. In the
21 interim, every reference to the department of labor and



1 industrial relations or director of labor and industrial
2 relations in those rules, policies, procedures, guidelines, and
3 other material is amended to refer to the department of defense
4 or adjutant general, as appropriate.

5 SECTION 24. All deeds, leases, contracts, loans,
6 agreements, permits, or other documents executed or entered into
7 by or on behalf of the department of labor and industrial
8 relations, pursuant to the provisions of the Hawaii Revised
9 Statutes, that are reenacted or made applicable to the
10 department of defense by this Act shall remain in full force and
11 effect. Upon the effective date of this Act, every reference to
12 the department of labor and industrial relations or the director
13 of labor and industrial relations therein shall be construed as
14 a reference to the department of defense or the adjutant
15 general, as appropriate.

16 SECTION 25. All appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the department of labor and industrial
20 relations relating to the functions transferred to the



1 department of defense shall be transferred with the functions to
2 which they relate.

3 SECTION 26. In codifying the new sections added by section
4 2 and referenced in sections 12, 13, 17, and 18 of this Act, the
5 revisor of statutes shall substitute appropriate section numbers
6 for the letters used in designating the new sections in this
7 Act.

8 SECTION 27. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 28. This Act shall take effect upon its approval.



S.B. NO. 1383 S.D. 1

Report Title:

Department of Defense; Department of Labor and Industrial Relations; State Fire Marshal; State Fire Council; State Fire Codes

Description:

Amends the laws concerning the Office of the State Fire Marshal to best effectuate the recommendations of the "Phase 3" Forward-Looking Report by Fire Safety Research Institute on the August 2023 Maui wildfires. (SD1)

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

