
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- State fire marshal; establishment; appointment;
16 powers; duties; responsibilities. (a) There is established
17 within the department of labor and industrial relations a state
18 fire marshal, who shall be appointed by the state fire council
19 without regard to chapter 76, to serve for a period of ten
20 years. The appointment shall not be subject to the advice and
21 consent of the senate. The terms and conditions of the



1 appointment of the state fire marshal shall be established by
2 the state fire council. In the event of a vacancy, the state
3 fire council shall meet expeditiously to select and appoint a
4 new state fire marshal to serve the remainder of the unexpired
5 term.

6 (b) The state fire marshal shall have the same powers and
7 authority as county fire chiefs under sections 132D-4, 132D-
8 16.6, and 132D-16.7, and this chapter.

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

11 (1) Performing annual reviews and assessments of fire
12 risks statewide, considering the emergency resources
13 available for fire response, and working to address
14 gaps in coverage, including coordinating fire
15 protection efforts, facilitating interagency
16 memorandums of understanding and memorandums of
17 agreement, and potentially assisting in procuring
18 grants or other funding means to help local agencies
19 enhance the overall fire safety and response
20 capabilities within the State;



- 1 (2) Assisting and leading in the investigation of fires
2 upon request from county agencies to determine cause
3 and origin, and maintain a comprehensive record of all
4 fires within the State, including causes and
5 circumstances;
- 6 (3) Assisting in the training and certification of fire
7 investigators and inspectors, ensuring they possess
8 the requisite skills and knowledge, including
9 supporting local agencies with training programs and
10 resources necessary for conducting detailed
11 investigations, enforcing fire codes, and promoting
12 fire safety within their jurisdictions;
- 13 (4) Coordinating with local agencies to enhance public
14 education and awareness programs on fire safety,
15 assessing the need for and potentially developing a
16 comprehensive statewide public fire safety messaging
17 program;
- 18 (5) Collaborating with the state fire council on fire
19 service matters within the State;
- 20 (6) Proposing amendments to the state fire code for
21 consideration and adoption by the state fire council;



- 1 (7) Conducting or arranging for inspections of state
2 buildings and facilities for fire safety compliance;
- 3 (8) Coordinating state-level fire protection training and
4 support the establishment of training facilities and
5 programs, including statewide standardization of
6 certification and training levels for firefighters;
- 7 (9) Performing additional duties as assigned or delegated
8 by the state fire council; and
- 9 (10) Preparing and submitting an annual report summarizing
10 assessments and reviews conducted pursuant to this
11 subsection, to the governor and the state fire council
12 no later than November 30 of each calendar year.

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

17 SECTION 3. Section 76-16, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) The civil service to which this chapter applies shall
20 comprise all positions in the State now existing or hereafter



1 established and embrace all personal services performed for the
2 State, except the following:

3 (1) Commissioned and enlisted personnel of the Hawaii
4 National Guard as such and positions in the Hawaii
5 National Guard that are required by state or federal
6 laws or regulations or orders of the National Guard to
7 be filled from those commissioned or enlisted
8 personnel;

9 (2) Positions filled by persons employed by contract where
10 the director of human resources development has
11 certified that the service is special or unique or is
12 essential to the public interest and that, because of
13 circumstances surrounding its fulfillment, personnel
14 to perform the service cannot be obtained through
15 normal civil service recruitment procedures. Any such
16 contract may be for any period not exceeding one year;

17 (3) Positions that must be filled without delay to comply
18 with a court order or decree if the director
19 determines that recruitment through normal recruitment
20 civil service procedures would result in delay or



- 1 noncompliance, [~~such as~~] including the Felix-Cayetano
2 consent decree;
- 3 (4) Positions filled by the legislature or by either house
4 or any committee thereof;
- 5 (5) Employees in the office of the governor and office of
6 the lieutenant governor, and household employees at
7 Washington Place;
- 8 (6) Positions filled by popular vote;
- 9 (7) Department heads, officers, and members of any board,
10 commission, or other state agency whose appointments
11 are made by the governor or are required by law to be
12 confirmed by the senate;
- 13 (8) Judges, referees, receivers, masters, jurors, notaries
14 public, land court examiners, court commissioners, and
15 attorneys appointed by a state court for a special
16 temporary service;
- 17 (9) One bailiff for the chief justice of the supreme court
18 who shall have the powers and duties of a court
19 officer and bailiff under section 606-14; one
20 secretary or clerk for each justice of the supreme
21 court, each judge of the intermediate appellate court,



1 and each judge of the circuit court; one secretary for
2 the judicial council; one deputy administrative
3 director of the courts; three law clerks for the chief
4 justice of the supreme court, two law clerks for each
5 associate justice of the supreme court and each judge
6 of the intermediate appellate court, one law clerk for
7 each judge of the circuit court, two additional law
8 clerks for the civil administrative judge of the
9 circuit court of the first circuit, two additional law
10 clerks for the criminal administrative judge of the
11 circuit court of the first circuit, one additional law
12 clerk for the senior judge of the family court of the
13 first circuit, two additional law clerks for the civil
14 motions judge of the circuit court of the first
15 circuit, two additional law clerks for the criminal
16 motions judge of the circuit court of the first
17 circuit, and two law clerks for the administrative
18 judge of the district court of the first circuit; and
19 one private secretary for the administrative director
20 of the courts, the deputy administrative director of
21 the courts, each department head, each deputy or first



1 assistant, and each additional deputy, or assistant
2 deputy, or assistant defined in paragraph (16);

3 (10) First deputy and deputy attorneys general, the
4 administrative services manager of the department of
5 the attorney general, one secretary for the
6 administrative services manager, an administrator and
7 any support staff for the criminal and juvenile
8 justice resources coordination functions, and law
9 clerks;

10 (11) (A) Teachers, principals, vice-principals, complex
11 area superintendents, deputy and assistant
12 superintendents, other certificated personnel, no
13 more than twenty noncertificated administrative,
14 professional, and technical personnel not engaged
15 in instructional work;

16 (B) Effective July 1, 2003, teaching assistants,
17 educational assistants, bilingual/bicultural
18 school-home assistants, school psychologists,
19 psychological examiners, speech pathologists,
20 athletic health care trainers, alternative school
21 work study assistants, alternative school



1 educational/supportive services specialists,
2 alternative school project coordinators, and
3 communications aides in the department of
4 education;

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

8 (D) Members of the faculty of the University of
9 Hawaii, including research workers, extension
10 agents, personnel engaged in instructional work,
11 and administrative, professional, and technical
12 personnel of the university;

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

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

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



1 (C) Positions that provide work experience training
2 or temporary public service employment that are
3 filled by persons entering the workforce or
4 persons transitioning into other careers under
5 programs [~~such as~~] including the federal
6 Workforce Investment Act of 1998, as amended, or
7 the Senior Community Service Employment Program
8 of the Employment and Training Administration of
9 the United States Department of Labor, or under
10 other similar state programs;

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

13 (15) Positions filled by persons employed on a fee,
14 contract, or piecework basis, who may lawfully perform
15 their duties concurrently with their private business
16 or profession or other private employment and whose
17 duties require only a portion of their time, if it is
18 impracticable to ascertain or anticipate the portion
19 of time to be devoted to the service of the State;

20 (16) Positions of first deputies or first assistants of
21 each department head appointed under or in the manner



1 provided in section 6, article V, of the Hawaii State
2 Constitution; three additional deputies or assistants
3 either in charge of the highways, harbors, and
4 airports divisions or other functions within the
5 department of transportation as may be assigned by the
6 director of transportation, with the approval of the
7 governor; one additional deputy in the department of
8 human services either in charge of welfare or other
9 functions within the department as may be assigned by
10 the director of human services; four additional
11 deputies in the department of health, each in charge
12 of one of the following: behavioral health,
13 environmental health, hospitals, and health resources
14 administration, including other functions within the
15 department as may be assigned by the director of
16 health, with the approval of the governor; two
17 additional deputies in charge of the law enforcement
18 programs, administration, or other functions within
19 the department of law enforcement as may be assigned
20 by the director of law enforcement, with the approval
21 of the governor; three additional deputies each in



1 charge of the correctional institutions,
2 rehabilitation services and programs, and
3 administration or other functions within the
4 department of corrections and rehabilitation as may be
5 assigned by the director of corrections and
6 rehabilitation, with the approval of the governor; an
7 administrative assistant to the state librarian; and
8 an administrative assistant to the superintendent of
9 education;

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

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

16 (B) All of the positions defined by paragraph (9)
17 shall be included in the position classification
18 plan;

19 (18) Positions in the state foster grandparent program and
20 positions for temporary employment of senior citizens



- 1 in occupations in which there is a severe personnel
2 shortage or in special projects;
- 3 (19) Household employees at the official residence of the
4 president of the University of Hawaii;
- 5 (20) Employees in the department of education engaged in
6 the supervision of students during meal periods in the
7 distribution, collection, and counting of meal
8 tickets, and in the cleaning of classrooms after
9 school hours on a less than half-time basis;
- 10 (21) Employees hired under the tenant hire program of the
11 Hawaii public housing authority; provided that not
12 more than twenty-six per cent of the authority's
13 workforce in any housing project maintained or
14 operated by the authority shall be hired under the
15 tenant hire program;
- 16 (22) Positions of the federally funded expanded food and
17 nutrition program of the University of Hawaii that
18 require the hiring of nutrition program assistants who
19 live in the areas they serve;
- 20 (23) Positions filled by persons with severe disabilities
21 who are certified by the state vocational



1 rehabilitation office that they are able to perform

2 safely the duties of the positions;

3 (24) The sheriff;

4 (25) A gender and other fairness coordinator hired by the

5 judiciary;

6 (26) Positions in the Hawaii National Guard youth and adult

7 education programs;

8 (27) In the Hawaii state energy office in the department of

9 business, economic development, and tourism, all

10 energy program managers, energy program specialists,

11 energy program assistants, and energy analysts;

12 (28) Administrative appeals hearing officers in the

13 department of human services;

14 (29) In the Med-QUEST division of the department of human

15 services, the division administrator, finance officer,

16 health care services branch administrator, medical

17 director, and clinical standards administrator;

18 (30) In the director's office of the department of human

19 services, the enterprise officer, information security

20 and privacy compliance officer, security and privacy

21 compliance engineer, security and privacy compliance



1 analyst, information technology implementation
2 manager, assistant information technology
3 implementation manager, resource manager,
4 community/project development director, policy
5 director, special assistant to the director, and
6 limited English proficiency project
7 manager/coordinator;

8 (31) The Alzheimer's disease and related dementia services
9 coordinator in the executive office on aging;

10 (32) In the Hawaii emergency management agency, the
11 executive officer, public information officer, civil
12 defense administrative officer, branch chiefs, and
13 emergency operations center state warning point
14 personnel; provided that for state warning point
15 personnel, the director shall determine that
16 recruitment through normal civil service recruitment
17 procedures would result in delay or noncompliance;

18 (33) The executive director and seven full-time
19 administrative positions of the school facilities
20 authority;



1 (34) Positions in the Mauna Kea stewardship and oversight
2 authority;

3 (35) In the office of homeland security of the department
4 of law enforcement, the statewide interoperable
5 communications coordinator; [~~and~~]

6 (36) In the social services division of the department of
7 human services, the business technology analyst[-];
8 and

9 (37) The state fire marshal.

10 The director shall determine the applicability of this
11 section to specific positions.

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

14 SECTION 4. The state fire council shall submit a report of
15 its findings and recommendations relating to the re-
16 establishment of the state fire marshal, 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 5. 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 6. 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 7. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

DLIR; Fire Protection; State Fire Marshal; State Fire Council;
Appropriation; Expenditure Ceiling

Description:

Establishes the State Fire Marshal within the Department of Labor and Industrial Relations to direct fire protection efforts statewide. Appropriates funds. Declares that the general fund expenditure ceiling is exceeded. Effective 7/1/3000. (SD1)

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