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# A BILL FOR AN ACT

RELATING TO WILDFIRES.

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

1 PART I

2 SECTION 1. The legislature finds that as the risk of  
3 catastrophic wildfires in Hawaii has increased, so has the  
4 threat of property damage from these fires. Although most  
5 property owners have insurance, some do not, and others have  
6 insurance that may not fully cover their losses.

7 The legislature further finds that when the cause of a  
8 wildfire is uncertain or contested, costly and protracted  
9 litigation ensues. Litigation regarding wildfire damages can  
10 impose massive costs, including on the State, counties,  
11 utilities, landowners, and other defendants that may be alleged  
12 to have contributed to catastrophic wildfires. Those costs can  
13 overwhelm major institutions in the community, undermining their  
14 ability to make investments that the State needs. Indeed, even  
15 the possibility of litigation regarding a future catastrophic  
16 wildfire can create a cloud of uncertainty that can impair an  
17 entity's ability to attract capital on reasonable terms--capital



1 that is vital for making investments in wildfire prevention,  
2 among other priorities that may affect the health and safety of  
3 the State's residents.

4 The legislature also finds that the risk of property damage  
5 stemming from catastrophic wildfires may lead property insurers  
6 to raise rates or refuse to provide coverage for certain losses  
7 or certain high-risk areas of Hawaii--as occurred in the wake of  
8 hurricane Iniki with respect to hurricane insurance.

9 The legislature additionally finds that it is in the public  
10 interest to take steps to ensure that property insurance remains  
11 available to cover losses associated with wildfires by providing  
12 benefits to property insurers. Furthermore, the legislature  
13 finds that it is in the public interest to ensure that the  
14 threat of wildfires does not make investment in Hawaii's public  
15 utilities so financially risky that it becomes too costly or  
16 impossible for them to raise capital to implement vital plans,  
17 including plans to mitigate wildfire risk, and to provide safe,  
18 reliable, and affordable service to the people of the State.

19 Moreover, the legislature finds that it is in the public  
20 interest to avoid the costs of litigation arising out of  
21 catastrophic wildfires in order to protect Hawaii's economy and



1 encourage investment in the State. Therefore, the purpose of  
2 this Act is to serve the public interest in the event of a  
3 devastating wildfire by establishing a means to provide  
4 compensation for property damage resulting from wildfires.

5 SECTION 2. The Hawaii Revised Statutes is amended by  
6 adding a new chapter to be appropriately designated and to read  
7 as follows:

8 "CHAPTER

9 WILDFIRE RELIEF FUND

10 § -1 Definitions. As used in this chapter:

11 "Administrator" means the wildfire relief fund  
12 administrator appointed pursuant to section -5.

13 "Board" means the wildfire relief fund corporation board of  
14 directors created pursuant to section -4.

15 "Catastrophic wildfire" means a wildfire occurring on or  
16 after the operation date that damages or destroys more than five  
17 hundred commercial structures or residential structures designed  
18 for habitation.

19 "Contributor" means any person who contributes to the  
20 wildfire relief fund as provided in section -8.



1 "Cooperative utility" means an electric utility owned by  
2 customers and overseen by a board of directors elected by  
3 customers.

4 "Corporation" means the wildfire relief fund corporation  
5 established pursuant to section -3.

6 "Electric utility" means a public utility that exists for  
7 the furnishing of electrical power.

8 "Eligible claim" means a claim made by a property owner, or  
9 the property owner's designated representative, for real or  
10 personal property lost or damaged due to a catastrophic  
11 wildfire.

12 "Investor-owned utility" means an electric utility that is  
13 owned by shareholders and overseen by a board of directors  
14 elected by shareholders.

15 "Operation date" means the date by which all of the  
16 following have occurred prior to the initial date of operation  
17 of the wildfire relief fund:

18 (1) The deadline for property owners to submit a request  
19 to opt out under section -13(b);

20 (2) The deadline for property insurers to submit elections  
21 under section -14(a); and



1 (3) The date for contributors to elect to participate in  
2 the wildfire relief fund under section -7(b);  
3 provided that the administrator shall take all reasonable steps  
4 necessary to ensure that the operation date is no later than  
5 February 14, 2025.

6 "Other governmental entities" refers to governmental  
7 entities, including county government agencies, other than state  
8 government agencies.

9 "Property insurer" means an insurer licensed to provide  
10 insurance in the State that, as of the date it elects to  
11 participate in the wildfire relief fund, provides insurance  
12 coverage for real or personal property loss in the State caused  
13 by a catastrophic wildfire.

14 "Property owner" means an owner of real property in the  
15 State.

16 "Public utility" has the same meaning as in section 269-1.

17 "Upfront", when used regarding payments or contributions  
18 under this chapter, means the portion of a contribution, whether  
19 initial or supplemental, by a contributor that is paid in a lump  
20 sum on a date designated by the administrator or this chapter,



1 in contrast to annual payments or contributions, which are  
2 deferred over multiple years.

3 "Wildfire relief fund" means the wildfire relief fund  
4 established pursuant to section -2.

5 "Wildfire risk mitigation plan" means a plan approved by  
6 the public utilities commission pursuant to section -7.

7 § -2 **Wildfire relief fund; establishment.** (a) There is  
8 established outside the state treasury a wildfire relief fund  
9 and any accounts thereunder to carry out the purposes of this  
10 chapter.

11 (b) The wildfire relief fund shall be placed within the  
12 department of commerce and consumer affairs for administrative  
13 purposes. The fund shall be a public body corporate and  
14 politic.

15 (c) Moneys deposited in the wildfire relief fund and any  
16 accounts thereunder shall be held by the fund, as trustee, in a  
17 depository, as defined in section 38-1, or according to a  
18 similar arrangement at the discretion of the board.

19 (d) All moneys received by the corporation under this  
20 chapter shall be paid immediately to the director of finance and  
21 shall become a part of the wildfire relief fund.



1 (e) All payments authorized to be made by the corporation  
2 under this chapter, including all payments for claims for  
3 catastrophic wildfire damages, all salaries, and all other  
4 expenses, shall be made from the wildfire relief fund.

5 (f) The moneys in the wildfire relief fund shall be  
6 invested according to the same investment plans developed for  
7 the Hawaii retirement savings special fund pursuant to chapter  
8 389, and the earnings from the investments shall be credited to  
9 the wildfire relief fund.

10 (g) All moneys in the wildfire relief fund shall be  
11 appropriated and expended exclusively for the uses and purposes  
12 set forth in this chapter; provided that this section shall not  
13 be deemed to amend or impair the force or effect of any law of  
14 this State specifically authorizing the investment of moneys  
15 from the wildfire relief fund.

16 (h) The wildfire relief fund shall not be subject to  
17 chapter 431.

18 § -3 **Wildfire relief fund corporation; establishment;**  
19 **purposes; duties.** (a) There is established the wildfire relief  
20 fund corporation, which shall be an independent public body and  
21 a body corporate and politic.



1 (b) The corporation shall be established within the  
2 department of commerce and consumer affairs for administrative  
3 purposes.

4 (c) The purpose of the corporation shall be to administer  
5 the payment of:

6 (1) Eligible claims arising from catastrophic wildfires  
7 from the wildfire relief fund; and

8 (2) Contributions of contributors to the wildfire relief  
9 fund.

10 (d) The corporation shall:

11 (1) Receive, process, and determine payments for eligible  
12 claims for property damage arising from catastrophic  
13 wildfires from the wildfire relief fund;

14 (2) Determine and enforce the collection of contributions  
15 from contributors to the wildfire relief fund;

16 (3) Retain, employ, or contract with officers; experts;  
17 employees; accountants; actuaries; financial  
18 professionals; and other advisers, consultants,  
19 attorneys, and professionals, as may be necessary in  
20 the administrator's judgment, for the efficient



- 1 operation, management, and administration of the  
2 corporation;
- 3 (4) Enter into contracts and other obligations related to  
4 the operation, management, and administration of the  
5 corporation;
- 6 (5) Purchase insurance or take other actions to maximize  
7 the claims-paying resources of the wildfire relief  
8 fund;
- 9 (6) Pay costs, expenses, and other obligations of the  
10 corporation from the wildfire relief fund's assets;
- 11 (7) Take any actions necessary to collect any amounts owed  
12 to the wildfire relief fund; and
- 13 (8) Undertake other activities related to the operation,  
14 management, and administration of the wildfire relief  
15 fund, as approved by the board.

16 **§ -4 Wildfire relief fund corporation; board of**

17 **directors.** (a) There is established a wildfire relief fund  
18 corporation board of directors, which shall consist of five  
19 members appointed by the governor in accordance with section 26-  
20 34. The board shall be the policy-making body of the  
21 corporation. The board shall be responsible for adopting



1 policies for the administration and operation of the wildfire  
2 relief fund and the performance of other duties and functions  
3 assigned to the fund, to the degree not specified in this  
4 chapter.

5 (b) The members of the board shall serve staggered terms,  
6 with three members' initial terms ending four years after the  
7 initial appointment, and two members' initial terms ending six  
8 years after the initial appointment. Thereafter, each member  
9 shall serve four-year terms. Vacancies shall be filled for the  
10 remainder of any unexpired term in the same manner as the  
11 original appointments.

12 (c) The chairperson of the board shall be elected from  
13 among the appointed members of the board. A majority of all  
14 members currently appointed to the board shall constitute a  
15 quorum to conduct business, and the concurrence of a majority of  
16 all members currently appointed to the board shall be necessary  
17 to make any action valid, unless otherwise specified in this  
18 chapter.

19 (d) Members of the board shall be appointed to ensure:



1 (1) A broad and balanced representation, with proper  
2 judgment, character, expertise, skills, and knowledge  
3 useful to the oversight of the corporation; and

4 (2) Diversity with regard to viewpoints, background, work  
5 experience, and demographics.

6 The members of the board shall serve without compensation  
7 but shall be reimbursed for actual and necessary expenses,  
8 including travel expenses, incurred in the discharge of their  
9 duties.

10 (e) The board shall meet at least once every three months  
11 at a time and place determined by the board. The board shall  
12 meet at other times and places as determined by the call of the  
13 chairperson or by a majority of the members of the board.

14 (f) No later than twenty days before the convening of each  
15 regular session, the board shall submit to the legislature and  
16 governor a report regarding the activities and operations of the  
17 corporation during the preceding year. The report shall  
18 include, at a minimum, a description of:

19 (1) The effectiveness of the wildfire relief fund's  
20 claims-payment process; and



1 (2) The level of participation in the wildfire relief fund  
2 by all eligible participants, including property  
3 owners, property insurers, and contributors.

4 The legislature shall consider the report in determining  
5 whether any adjustments to the wildfire relief fund are  
6 necessary.

7 (g) Each member of the board shall retain all immunities  
8 and rights provided to a member pursuant to section 26-35.5.

9 **§ -5 Wildfire relief fund corporation; administrator.**

10 (a) The board shall appoint an administrator and oversee the  
11 administrator's management and administration of the  
12 corporation.

13 (b) The administrator shall serve at the pleasure of the  
14 board and shall be exempt from chapter 76.

15 (c) The administrator shall have powers as are necessary  
16 to carry out the functions of the corporation, subject to the  
17 policy direction of the board.

18 (d) The administrator may employ, terminate, and supervise  
19 employees, including assistants, experts, field personnel, and  
20 clerks, as may be necessary in the administration of the  
21 corporation.



1 (e) The board may overturn any decision of the  
2 administrator through a majority vote.

3 (f) At the direction of the board, the administrator shall  
4 prepare and present for approval a plan of operations related to  
5 the operations, management, and administration of the wildfire  
6 relief fund on an annual basis. At least annually and at the  
7 direction of the board, the administrator shall present the plan  
8 of operations to the appropriate committees of the legislature.  
9 The plan shall include but not be limited to reporting on the  
10 wildfire relief fund's assets and projections for the duration  
11 of the fund.

12 (g) At the direction of the board, the administrator shall  
13 at least annually prepare and publish on the corporation's  
14 website a public-facing report that describes the operations and  
15 activities of the corporation and wildfire relief fund during  
16 the preceding year, including a description of the financial  
17 condition of the wildfire relief fund.

18 § -6 **Wildfire relief fund and corporation; audit.** (a)  
19 The auditor shall conduct an annual financial audit of the  
20 corporation and wildfire relief fund pursuant to chapter 23. As



1 part of this audit, the auditor may contract with a firm  
2 qualified to perform an independent actuarial review.

3 (b) The auditor shall determine the scope of the review  
4 required by this section, which shall include but not be limited  
5 to:

6 (1) A review of the sources and uses of the moneys in the  
7 wildfire relief fund;

8 (2) A reconciliation of changes in actuarial assumptions  
9 and reserve values from the preceding year;

10 (3) An examination of the development of claim reserve  
11 inadequacies or redundancies over time; and

12 (4) An assessment of the future financial viability of the  
13 wildfire relief fund.

14 (c) The corporation shall cooperate with the actuarial  
15 firm in all respects and shall permit the firm full access to  
16 all information the firm deems necessary for a true and complete  
17 review. Information provided to the actuarial firm conducting  
18 the annual review shall be subject to the same limitations on  
19 public inspections as are required for the records of the  
20 corporation.



1 (d) The audit required by this section shall be conducted  
2 using both generally accepted accounting principles and the  
3 statutory accounting principles published by the National  
4 Association of Insurance Commissioners.

5 (e) The cost of the audit required by this section shall  
6 be paid by the corporation.

7 (f) The auditor shall issue an annual report to the  
8 legislature and governor on the results of the audit and review.  
9 The audit and report of the review performed by the independent  
10 actuarial firm shall be available for public inspection, in  
11 accordance with the auditor's established rules and procedures  
12 governing public disclosure of audit documents.

13 (g) The legislature shall consider, after reviewing the  
14 annual report required by subsection (f), whether any  
15 adjustments to the wildfire relief fund should be implemented.

16 § -7 **Wildfire relief fund; participation.** (a) The  
17 following entities may participate in the wildfire relief fund  
18 as contributors:

19 (1) The State;

20 (2) Electric utilities;



- 1           (3) Public utilities that are not electric utilities that
- 2           contribute to the risk of occurrence or severity of a
- 3           catastrophic wildfire, including public utilities for
- 4           the production, conveyance, transmission, delivery, or
- 5           furnishing of gas;
- 6           (4) Other governmental entities; and
- 7           (5) Private property owners who own, or whose affiliated
- 8           persons or entities own in the aggregate, at least one
- 9           thousand acres of land in Hawaii.
- 10          (b) To participate in the wildfire relief fund, an entity
- 11 shall:
- 12          (1) Notify the administrator that it intends to
- 13          participate in the wildfire relief fund by a date set
- 14          by the administrator in the year preceding the year in
- 15          which the entity seeks to participate in the wildfire
- 16          relief fund; and
- 17          (2) Make required contributions to the wildfire relief
- 18          fund pursuant to section -8.
- 19 By making the election under paragraph (1), a participant shall
- 20 be required to make an initial contribution.



1 (c) A contributor that is also a property owner may make a  
2 claim to the wildfire relief fund for compensation in the same  
3 manner provided for in section -13 as other property owners;  
4 provided that the contributor:

5 (1) Retains all of the rights, privileges, and obligations  
6 of a contributor; and

7 (2) Notwithstanding any other provisions of this chapter  
8 and regardless of the existence of a depletion event  
9 under section -16(c), is bound by the limitation on  
10 claims under section -18.

11 (d) Any person or entity that poses a risk of causing or  
12 exacerbating the severity of a catastrophic wildfire that is not  
13 eligible to participate as a contributor in the wildfire relief  
14 fund may submit an application to the board for participation.

15 (e) The board shall adopt rules pursuant to chapter 91 and  
16 issue criteria for applications submitted under subsection (d).

17 (f) The board shall include in its annual report to the  
18 legislature and governor under section -4 all applications  
19 submitted under subsection (d) and shall recommend to the  
20 legislature whether participation criteria for contributors  
21 should be broadened.



1 (g) Notwithstanding any provision to the contrary, an  
2 electric utility that is a defendant in a civil action, as of  
3 the effective date of this chapter, related to an event that, if  
4 it occurred on or after the operation date, would qualify as a  
5 catastrophic wildfire, may participate in the fund only if the  
6 utility provides, and the commission approves, a plan that  
7 satisfies the following conditions:

8 (1) The plan minimizes the burden on the ratepayers of the  
9 electric utility;

10 (2) The plan provides for a review of the organizational  
11 structure of the electric utility and its lines of  
12 business;

13 (3) The plan provides for a review of local governance and  
14 accountability, including a potential modification of  
15 the governance structure and the management and board  
16 of directors of the electric utility to emphasize  
17 safety and customers' interests;

18 (4) The plan includes a framework for addressing wildfire  
19 safety and risk management, including monitoring,  
20 review, oversight, and enforcement by the public  
21 utilities commission, and performance-based utility



1 regulation, as defined by the public utilities  
2 commission; provided that executive compensation shall  
3 exclude any incentives associated with this chapter;  
4 (5) The plan permits periodic performance-based management  
5 audits of the public utility;  
6 (6) The plan is consistent with meeting the public  
7 utility's and the State's renewable portfolio  
8 standards, mandates, and obligations; and  
9 (7) The utility has an approved wildfire risk mitigation  
10 plan approved by the public utilities commission;  
11 provided that the public utilities commission shall  
12 determine the timeline for the plan and when utility  
13 participation may begin within the timeline.  
14 (h) If any agency of the State requires any contributor  
15 other than an electric utility to submit a wildfire risk  
16 mitigation plan, the agency may prohibit a contributor from  
17 participating in the wildfire relief fund as a contributor until  
18 the agency approves the contributor's plan.  
19 (i) An electric utility that is required to submit for  
20 approval a plan under subsection (g) may make the election under  
21 subsection (b) (1) before approval of a plan pursuant to



1 subsection (g) but shall not make any monetary contribution  
2 before such approval. The electric utility shall not be deemed  
3 to have failed to make a required payment under  
4 section -10(b); provided that it otherwise complies with this  
5 subsection.

6 If the commission approves the plan after the upfront  
7 payment date but within one year of the operation date, the  
8 electric utility that submitted the plan may participate in the  
9 wildfire relief fund as a contributor and shall be afforded all  
10 rights and privileges of a contributor under this chapter as of  
11 the operation date by making an upfront payment within thirty  
12 days of that approval, notwithstanding any earlier deadlines  
13 pursuant to this chapter.

14 If the commission approves the plan more than one year  
15 after the operation date, the electric utility that submitted  
16 the plan may elect to participate as a contributor only under  
17 section -8(e) and shall not be considered a contributor  
18 before that election date.

19 The wildfire relief fund shall have no claim against an  
20 electric utility for failing to make any monetary contribution



1 on the basis that the commission has not yet approved a plan  
2 pursuant to subsection (g).

3 § -8 **Wildfire relief fund; funding.** (a) Total  
4 capitalization. The total capitalization amount of the wildfire  
5 relief fund shall be \$ . Neither the board nor the  
6 administrator may modify the total capitalization amount, except  
7 as otherwise expressly provided in this chapter.

8 (b) Time to total capitalization. The administrator shall  
9 recommend to the board, and the board shall, by majority vote,  
10 approve initial contribution amounts for potential contributors,  
11 other than the State and investor-owned electric utilities,  
12 based on any actuarial factors and with the goal, to the extent  
13 reasonably possible, of having the wildfire relief fund have the  
14 financial capacity to cover claims equal to the total  
15 capitalization amount within five years of the operation date,  
16 taking into consideration reasonably expected investment  
17 returns, actual and expected contributions to the wildfire  
18 relief fund, contingent guarantees, insurance purchased by the  
19 wildfire relief fund, and any other mechanisms that increase the  
20 financial capacity of the wildfire relief fund, and assuming no



1 payments will be made by the wildfire relief fund during that  
2 time period.

3 (c) Capitalization amounts. With the exception of the  
4 State's monetary contribution and pledge as described in  
5 paragraph (3), initial contribution amounts may be divided by  
6 the administrator, at a contributor's request, into an upfront  
7 contribution amount to be made by the upfront payment date as  
8 specified in subsection (n), and annual contribution amounts to  
9 be made over the first five-year period after the operation  
10 date, subject to the interest payment identified in subsection  
11 (m) and the administrator's ability to increase payments under  
12 the insufficient funding provision in subsection (f).

13 The wildfire relief fund shall be capitalized by the  
14 following initial contributions:

15 (1) From public utilities other than investor-owned  
16 electric utilities, private property owners, and other  
17 governmental entities that are eligible to participate  
18 in the wildfire relief fund:

19 (A) Collectively, \$ ;

20 (B) From other governmental entities that are  
21 eligible to participate in the wildfire relief



1 fund, a fraction of the amount determined by the  
 2 administrator based on an actuarial assessment of  
 3 the risk of payments to these entities by the  
 4 fund resulting from catastrophic wildfires  
 5 created by these entities, as well as the risk of  
 6 potential payments made by the fund resulting  
 7 from catastrophic wildfires created by these  
 8 entities; and

9 (C) For public utilities other than investor-owned  
 10 electric utilities and from private property  
 11 owners, a fraction of such amount determined by  
 12 the administrator based on an actuarial  
 13 assessment of the risk of potential payments by  
 14 the wildfire relief fund resulting from  
 15 catastrophic wildfires created by such entity;

16 (2) From investor-owned electric utilities, \$ ;  
 17 and

18 (3) From the State, \$ , consisting of a  
 19 \$ monetary contribution and a pledge of  
 20 \$ pursuant to subsection (1).



1 (d) The board shall determine the initial contribution  
2 amounts of eligible contributors by thirty days before the date  
3 by which participants are required to notify the administrator  
4 of their intention to participate in the wildfire relief fund  
5 pursuant to section -7(b). If an eligible contributor  
6 declines to notify the administrator that the eligible  
7 contributor wishes to participate in and become a contributor to  
8 the wildfire relief fund during the fund's first year of  
9 operation, the board shall reduce the total capitalization  
10 amount by subtracting the amount the board allocated to that  
11 eligible contributor.

12 (e) If an electric utility, public utility other than an  
13 electric utility, other governmental entity, or private property  
14 owner elects to become a contributor after the operation date,  
15 the board shall determine required contribution amounts, which  
16 may be, at the discretion of the board, made in upfront and  
17 annual payments, based on an up-to-date consideration of any  
18 actuarial factors, and the board shall increase the total  
19 capitalization amount in accordance with those contribution  
20 amounts.



1 (f) Insufficient funding. If the administrator determines  
2 that payments made by the wildfire relief fund, and expected  
3 future contributions by contributors and investment returns,  
4 will result in the fund's: failing to reach the total  
5 capitalization amount, as adjusted, as applicable, under  
6 subsection (a), by the fifth year of operation after the  
7 operation date; or falling below the total capitalization amount  
8 after the fifth year of operation after the operation date,  
9 including, in either case, as a result of the legislature's  
10 increasing the total capitalization amount, the administrator  
11 shall recommend that the board establish a supplemental  
12 contribution to be contributed to the wildfire relief fund.  
13 Responsibility among contributors for the supplemental  
14 contribution shall be allocated as follows:

15 (1) The administrator shall recommend to the board, and  
16 the board shall determine by majority vote, the  
17 respective portions of the supplemental contribution  
18 amount to be paid by each contributing electric  
19 utility, public utility other than an electric  
20 utility, other governmental entity, and private



1 property owner contributor, based on an up-to-date  
2 assessment of any actuarial factors; and

3 (2) The remaining amount of the supplemental contribution,  
4 but not more than the largest contribution by other  
5 contributors, shall be paid by the State, subject to  
6 legislative appropriation.

7 (g) The administrator may allow contributors to pay  
8 supplemental contributions via annual contributions, or in part  
9 via an upfront contribution followed by annual contributions,  
10 unless the administrator determines that a contribution schedule  
11 will create a material risk that the wildfire relief fund will  
12 not reach or return to its total capitalization amount within a  
13 reasonable period of time to perform the functions identified in  
14 this chapter.

15 The administrator may permit annual supplemental  
16 contributions, instead of a single upfront contribution, subject  
17 to the payment of interest at the rate set under subsection (m).

18 (h) If the board establishes a supplemental contribution  
19 pursuant to subsection (g), before the wildfire relief fund  
20 receives the supplemental contribution, the wildfire relief fund  
21 may issue revenue bonds up to the amount of the supplemental



1 contribution, which shall be backed by future contributions to  
2 the wildfire relief fund.

3 (i) The board may order supplemental contributions under  
4 this chapter even if an investigation under the replenishment  
5 process under section -9 is ongoing. In the event that  
6 payments are later made under that replenishment process, the  
7 board, provided that other conditions of the refunds section are  
8 met pursuant to section -11, may refund supplemental  
9 contributions in whole or in part.

10 (j) Utility contribution. An electric utility's  
11 contributions to the wildfire relief fund shall not be recovered  
12 from its customers in rates.

13 (k) If the total amount of payments that the administrator  
14 determines should be paid in connection with a catastrophic  
15 wildfire pursuant to sections -13, -14, and -15 exceeds  
16 the current balance of the wildfire relief fund, the State may  
17 provide a loan to the wildfire relief fund in an amount up to  
18 the depletion percentage, as determined by section -16(d).  
19 The loan shall be repaid over time through annual contributions  
20 by contributors.



1           (1) The State shall make its initial monetary contribution  
2 of \$                   to the wildfire relief fund as soon as  
3 practicable after the effective date of this Act, to be used to  
4 pay for the operations of the wildfire relief fund in advance of  
5 the operation date.

6           The State shall irrevocably pledge to appropriate and  
7 provide up to \$                   in the following manner:

8           (1) In the event that a catastrophic wildfire occurs and  
9                   the administrator determines that the amount the  
10                   wildfire relief fund is obligated to pay to property  
11                   owners, property insurers, the State, and other  
12                   governmental entities has exceeded or will exceed the  
13                   total moneys in the wildfire relief fund, the  
14                   administrator shall demand, and the State shall be  
15                   obligated to provide, a contribution to the wildfire  
16                   relief fund;

17           (2) The administrator shall demand, and the State shall  
18                   provide, the contribution required under paragraph (1)  
19                   before the administrator seeks additional funding  
20                   through supplemental contributions under subsection  
21                   (f) or loans under subsection (k);



1 (3) The obligation to provide the contribution required  
2 under paragraph (1) if the conditions of this  
3 subsection are met shall constitute an irrevocable  
4 guarantee of the State, backed by the full faith and  
5 credit of the State;

6 (4) At no time shall the aggregate amount of the State's  
7 financial responsibility to the wildfire relief fund,  
8 contingent or otherwise, under this subsection exceed  
9 \$ ; and

10 (5) The administrator, in making the calculations under  
11 subsection (f) and sections -11(a) and -16,  
12 shall treat the amount remaining on the State's pledge  
13 as capital in the wildfire relief fund for purposes of  
14 computing the total capitalization of the wildfire  
15 relief fund.

16 (m) A contributor may request that the administrator  
17 permit the contributor to pay the contributor's initial  
18 contribution over a five-year period via upfront and annual  
19 payments; provided that the contributor shall pay interest on  
20 all amounts deferred beyond the upfront payment date at a rate



1 equal to the State's average incremental borrowing rate plus two  
2 hundred basis points.

3 (n) The upfront payment date shall be the date on which  
4 the upfront portion of all contributors' initial contributions  
5 shall be paid to the wildfire relief fund. The administrator  
6 shall determine the upfront payment date and announce it at  
7 least ninety days in advance. The upfront payment date shall be  
8 at least thirty days after the operation date and in no event  
9 earlier than April 15, 2025; provided that if a catastrophic  
10 wildfire occurs before March 15, 2025, the administrator may  
11 accelerate the upfront payment date to thirty days after the  
12 administrator provides notice of the acceleration to all  
13 contributors.

14 § -9 **Replenishment of wildfire relief fund;**  
15 **determination of prudence.** (a) If the administrator, or an  
16 agency of the State with responsibility for determining the  
17 causes of wildfires, informs the public utilities commission  
18 that the facilities of a public utility that is a contributor  
19 may have caused the occurrence or contributed to the severity of  
20 a catastrophic wildfire, the public utilities commission shall  
21 initiate a proceeding to review the public utility's conduct



1 leading to the catastrophic wildfire and make findings. The  
2 public utilities commission may, even without formal notice from  
3 the administrator or the agency, initiate this proceeding of its  
4 own accord.

5 (b) The public utilities commission shall evaluate the  
6 prudence of the conduct of the public utility in connection with  
7 a catastrophic wildfire in the following manner: The public  
8 utilities commission shall determine whether the public utility  
9 acted prudently, considering only acts that may have caused the  
10 occurrence or contributed to the severity of the catastrophic  
11 wildfire, and evaluating the public utility's actions in the  
12 context of the public utility's overall systems, processes, and  
13 programs, such that an error by a public utility employee would  
14 not be a basis for a finding of imprudence, unless that error  
15 was the result of an imprudent system, process, or program.

16 (c) In evaluating prudence under this section, the public  
17 utilities commission shall determine whether the actions of the  
18 public utility were prudent and in the public interest.

19 (d) If the public utilities commission determines that  
20 imprudent conduct by the public utility caused the catastrophic  
21 wildfire, the public utilities commission shall determine



1 whether to order the public utility to reimburse the wildfire  
2 relief fund in whole or in part for payments from the fund made  
3 in connection with the catastrophic wildfire. In determining  
4 the amount of reimbursement, if any, the public utilities  
5 commission shall consider the extent and severity of the public  
6 utility's imprudence and factors within and beyond the public  
7 utility's control that may have led to or exacerbated the costs  
8 from the catastrophic wildfire, including but not limited to  
9 humidity, temperature, winds, fuel, merged wildfires with  
10 independent ignitions, third-party actions that affected the  
11 spread of the wildfire, and fire suppression activities.

12 (e) The public utilities commission shall not order the  
13 public utility to reimburse the wildfire relief fund in an  
14 amount that exceeds the lesser of:

- 15 (1) The costs that the public utilities commission  
16 determines were due to the public utility's  
17 imprudence; or
- 18 (2) Twenty per cent of the public utility's transmission  
19 and distribution equity rate base minus the amounts  
20 the public utility has reimbursed, or is required to  
21 reimburse, the wildfire relief fund during the period



1 of three consecutive calendar years ending on December  
2 31 of the year in which the calculation is being  
3 performed.

4 (f) If the public utilities commission orders the public  
5 utility to reimburse the wildfire relief fund, the public  
6 utility shall not recover the amount of the reimbursement in  
7 rates charged to ratepayers.

8 (g) If the administrator, or an agency of the State with  
9 responsibility for determining the causes of wildfires or  
10 catastrophic wildfires, concludes that the conduct of an other  
11 governmental entity or property owner that is a contributor may  
12 have caused the occurrence or contributed to the severity of a  
13 catastrophic wildfire, the administrator shall assess the  
14 prudence of the contributor's conduct, applying the same  
15 standard of prudence applied to public utilities pursuant to  
16 subsection (c).

17 (h) If the administrator determines that the contributor  
18 acted imprudently and that the imprudence caused the occurrence  
19 or contributed to the severity of the catastrophic wildfire, the  
20 administrator shall recommend that the board require such  
21 contributor to reimburse the wildfire relief fund in whole or in



1 part for payments that the fund made in connection with the  
2 catastrophic wildfire, considering the factors set forth in  
3 subsection (d), subject to a cap of ten per cent of the  
4 contributor's assets within Hawaii, measured over a rolling  
5 three-year period.

6       §   -10   **Failure to make contributions to wildfire relief**  
7 **fund.** (a) Contributors shall notify the administrator if they  
8 will make, or fail to make, a supplemental contribution to the  
9 wildfire relief fund at least thirty days before the  
10 supplemental contribution is due.

11       (b) If a contributor fails to make a required contribution  
12 to the wildfire relief fund, that contributor shall no longer be  
13 a contributor as of the date that the contribution was due.  
14 That entity may, however, rejoin the fund under the process for  
15 joining the fund after initial capitalization set forth in  
16 section   -8.

17       (c) The administrator shall not refund to an entity that  
18 fails to make a contribution any previous payments made to the  
19 wildfire relief fund. However, the administrator shall credit  
20 all previous contributions when determining the amount of



1 payment to be made if a participant rejoins the fund under  
2 subsection (b).

3       §    **-11 Refunds.** (a) In the event that the total amount  
4 in the wildfire relief fund exceeds one hundred twenty per cent  
5 of the total capitalization amount, the administrator may  
6 recommend that the board authorize refunds to be made to the  
7 contributors; provided that the refunds do not deplete the  
8 wildfire relief fund below one hundred twenty per cent of the  
9 total capitalization amount.

10       (b) Refunds shall be made in proportion to the total money  
11 contributed by the contributors to the wildfire relief fund as  
12 of the date of the refund, excluding any payments made under the  
13 replenishment provisions under section     -9.

14       (c) The administrator has no obligation to recommend, and  
15 the board has no obligation to authorize, a refund. The board  
16 shall make a refund only if it takes into consideration all  
17 relevant factors and circumstances and determines that making a  
18 refund will be unlikely to result in the wildfire relief fund's  
19 falling below one hundred twenty per cent of total  
20 capitalization within three years after the refund.



1 (d) Any contributor may request that the board make a  
2 refund whenever the conditions under this section are met.

3 (e) If the board elects to issue a refund or elects not to  
4 do so after receiving a request under subsection (d), the  
5 administrator shall issue an order explaining the board's  
6 decision.

7 § -12 Processing of claims. (a) With the approval of  
8 the board, the administrator shall establish and approve  
9 procedures for the review, approval, and timely payment of  
10 claims for reimbursement from the wildfire relief fund. The  
11 procedures may be revised from time to time by the administrator  
12 with the approval of the board.

13 (b) In the event of a catastrophic wildfire within the  
14 State, the administrator shall process claims made for  
15 compensation against the wildfire relief fund related to the  
16 catastrophic wildfire, consistent with the requirements of this  
17 chapter.

18 § -13 Claims by property owners. (a) To be eligible  
19 for compensation from the wildfire relief fund for recovery of  
20 uninsured damage to property from a catastrophic wildfire, a  
21 property owner shall not have opted out from participation in



1 the wildfire relief fund before the occurrence of the  
2 catastrophic wildfire.

3 (b) County tax assessors shall include, with each real  
4 property tax assessment sent to an owner of real property in the  
5 State, a prominent notice regarding participation in the  
6 wildfire relief fund. The notice shall be in a form prescribed  
7 by the administrator and shall clearly explain the property  
8 owner's right to opt out of participation in the wildfire relief  
9 fund by submitting a request to opt out to the administrator  
10 within a specific time. A property owner who does not submit a  
11 timely request to opt out shall be deemed to participate in the  
12 wildfire relief fund as of the deadline for submitting a request  
13 to opt out.

14 (c) Any costs of administering the process described in  
15 subsection (b) shall be reimbursed by the wildfire relief fund.

16 (d) To opt out of participation in the wildfire relief  
17 fund with regard to property in areas within the State that have  
18 been assigned extreme, high, and moderate wildfire risk classes  
19 by the department of land and natural resources, a property  
20 owner shall submit documentation of insurance coverage for the  
21 property along with the property owner's request to opt out of



1 the wildfire relief fund, and the administrator shall approve  
2 the documentation as adequate evidence of insurance for the  
3 applicable property.

4 (e) Following a catastrophic wildfire, to make a claim for  
5 compensation from the wildfire relief fund for uninsured damage  
6 to real or personal property from the catastrophic wildfire, a  
7 property owner shall submit to the administrator documentation  
8 establishing:

9 (1) That the catastrophic wildfire damaged the owner's  
10 property;

11 (2) The extent of the losses to the owner's property  
12 caused by that catastrophic wildfire; and

13 (3) Any insurance policy providing coverage for those  
14 losses.

15 (f) Within ninety days after a property owner submits a  
16 claim for compensation from the wildfire relief fund, including  
17 the documentation required in this section, the administrator  
18 shall determine whether the documentation is adequate and, if  
19 so, the appropriate amount of the payment to the property owner  
20 from the wildfire relief fund. If the administrator determines  
21 that the property owner has not submitted sufficient



1 documentation for the administrator to evaluate the claim, the  
2 administrator may request additional documentation from the  
3 property owner and may set a date by which the additional  
4 information shall be provided.

5 (g) If no insurance policy provides coverage for the  
6 losses for which a property owner seeks compensation from the  
7 wildfire relief fund, the property owner shall be eligible to  
8 receive as compensation from the wildfire relief fund a maximum  
9 of \$ .

10 (h) If an insurance policy provides coverage for the  
11 losses for property damage incurred by an eligible property  
12 owner who seeks compensation from the wildfire relief fund, the  
13 property owner shall be eligible to receive as compensation from  
14 the wildfire relief fund only compensation for uninsured real or  
15 personal property damage, in an amount up to the lesser of:

16 (1) per cent of the amount by which the  
17 property owner's losses exceed the amount of insurance  
18 coverage for the losses; or

19 (2) per cent of the property owner's insurance  
20 coverage applicable to the losses;



1 provided that the property owner submits adequate documentation  
2 of those losses, as required by this section.

3       §   -14   **Claims by property insurers.** (a) To be eligible  
4 for compensation from the wildfire relief fund, a property  
5 insurer shall have elected to participate in the fund before the  
6 annual policy period in which the catastrophic wildfire  
7 occurred. The administrator shall establish a process for  
8 property insurers to annually submit an election to participate  
9 in the fund to the administrator within a specified time. The  
10 date for submission of that election shall be the same as the  
11 date for property owners to submit a request to opt out pursuant  
12 to section   -13(b).

13       (b) All property insurers who elect to participate in the  
14 wildfire relief fund shall be eligible to receive as  
15 compensation from the wildfire relief fund                   per cent  
16 of their total payments for property damage claims, including  
17 real or personal property, in Hawaii as a result of a  
18 catastrophic wildfire.

19       (c) Following a catastrophic wildfire, to make a claim for  
20 compensation from the wildfire relief fund based on claims  
21 resulting from the catastrophic wildfire, an eligible property



1 insurer shall submit to the administrator documentation  
2 establishing the number, nature, and total value of insurance  
3 claims that the property insurer paid pursuant to its policies  
4 for damage resulting from the catastrophic wildfire as well as  
5 documentation sufficient to assess the reasonableness of the  
6 property insurer's payment of claims.

7 (d) After receipt of a property insurer's claim for  
8 compensation from the wildfire relief fund, including the  
9 documentation required in this section, the administrator shall:

10 (1) Review via an expedited procedure the property  
11 insurer's claim for compensation from the wildfire  
12 relief fund; and

13 (2) Determine:

14 (A) Whether the documentation provided is adequate;  
15 and

16 (B) The appropriate amount of the payment to the  
17 property insurer from the fund.

18 § -15 **Claims by the State and other governmental**

19 **entities.** (a) The State may submit claims for compensation  
20 from the wildfire relief fund for damages it incurred resulting  
21 from a catastrophic wildfire, including damage to infrastructure



1 or other property, costs of fire suppression, and natural  
2 resource damages, to the extent recovery of the losses is  
3 authorized by law.

4 (b) Other governmental entities may submit claims for  
5 compensation from the wildfire relief fund for damages they  
6 incurred resulting from a catastrophic wildfire, including  
7 damage to infrastructure or other property and other losses, to  
8 the extent recovery of the losses is authorized by law; provided  
9 that to be eligible for compensation from the wildfire relief  
10 fund related to a catastrophic wildfire, an other governmental  
11 entity shall elect to be a contributor pursuant to  
12 section -7(b)(1) before the occurrence of the catastrophic  
13 wildfire.

14 (c) To make a claim under this section, the State or other  
15 governmental entity shall submit to the administrator  
16 documentation establishing:

- 17 (1) That the catastrophic wildfire caused the damages;  
18 (2) The extent of the damages caused by the catastrophic  
19 wildfire; and



1 (3) Any other documentation necessary to establish the  
2 State's or other governmental entity's right to  
3 recover the losses pursuant to law.

4 (d) After receipt of a claim for compensation from the  
5 wildfire relief fund pursuant to this section, the administrator  
6 shall determine whether the State or other governmental entity  
7 is authorized to recover damages under applicable law and, if  
8 so, the appropriate amount of the payment.

9 § -16 **Fund depletion.** (a) Within thirty days of a  
10 catastrophic wildfire, the administrator shall assess whether  
11 the total payments that the wildfire relief fund is projected to  
12 make to eligible property owners, property insurers, the State,  
13 and other governmental entities under sections -13, -14,  
14 and -15, respectively, are expected to exceed seventy-five  
15 per cent of the total available money in the wildfire relief  
16 fund. The board shall adopt rules pursuant to chapter 91  
17 regarding the performance of this assessment.

18 (b) If the administrator assesses pursuant to subsection  
19 (a) that the total payments that the wildfire relief fund is  
20 projected to make to eligible property owners, property  
21 insurers, the State, and other governmental entities under



1 sections -13, -14, and -15, respectively, are expected  
2 to exceed seventy-five per cent of the total available money in  
3 the wildfire relief fund, the administrator shall seek to  
4 increase the total amount of money in the fund using all  
5 available methods under this chapter.

6 (c) Depletion event. If the administrator is unable,  
7 despite taking the steps under subsection (b), to secure  
8 sufficient additional funding for the wildfire relief fund,  
9 including credible pledges for future funding, to reverse the  
10 administrator's assessment under subsection (b) within  
11 forty-five days, the administrator shall declare the existence  
12 of a depletion event. The administrator may, for good cause,  
13 extend this time period by an additional thirty days.

14 (d) Depletion percentage. If the administrator declares  
15 the existence of a depletion event, the administrator shall  
16 determine what percentage of total eligible payments the  
17 wildfire relief fund can make without the likelihood that the  
18 payments will exceed seventy-five per cent of the total  
19 available money in the wildfire relief fund. This percentage  
20 shall be deemed the depletion percentage.



1 (e) Depletion payment. The administrator shall thereafter  
2 offer all property owners, property insurers, the State, and  
3 other governmental entities that submit claims for compensation  
4 from the wildfire relief fund and would otherwise, under  
5 sections -13, -14, and -15, respectively, be entitled  
6 to a particular payment amount, that amount multiplied by the  
7 depletion percentage. This amount shall be deemed the depletion  
8 payment.

9 (f) All claimants that are offered the depletion payment  
10 may choose to accept or decline the payment. Any property owner  
11 or property insurer, other than a contributor, that declines to  
12 accept the depletion payment shall:

13 (1) Be ineligible for any payments by the wildfire relief  
14 fund with respect to the catastrophic wildfire for  
15 which the claim was made; and

16 (2) Not be bound by the limitation on claims under  
17 section -18 with respect to only that catastrophic  
18 wildfire.

19 The limitation period for any cause of action arising out  
20 of the catastrophic wildfire that could be asserted by the  
21 property owner or property insurer that declines to accept the



1 depletion payment shall be tolled for the period from the date  
2 of the catastrophic wildfire to the date the administrator  
3 offers claimants the depletion payment.

4 (g) Any property owner or property insurer, other than a  
5 contributor, that accepts the depletion payment shall not be  
6 bound by the limitation on claims under section -18 with  
7 respect to only that catastrophic wildfire. Any contributor  
8 against whom a claim is brought by a recipient of a depletion  
9 payment shall be entitled to a credit against the contributor's  
10 financial liability as to that claimant, in an amount equal to  
11 the depletion payment received by the claimant multiplied by the  
12 contributor's proportion of contribution to the wildfire relief  
13 fund relative to the other contributors.

14 (h) After the payments to all claimants who accepted the  
15 depletion payment have been made, and within three years from  
16 the date of the catastrophic wildfire, the administrator shall  
17 make additional payments to each claimant who accepted the  
18 depletion payment. These additional payments, added to the  
19 depletion payment, shall be equal to the full value of the  
20 administrator's determination of the amount of payment due to  
21 each claimant.



1 (i) Multiple catastrophic events. The board shall adopt  
2 rules pursuant to chapter 91 regarding how to pay claims in the  
3 event that one or more catastrophic wildfires occur while the  
4 corporation is in the process of assessing, receiving,  
5 determining, or paying claims from an earlier catastrophic  
6 wildfire.

7 § -17 **Hearings and appeals of determinations.** (a)  
8 Within thirty days after the administrator's determination of  
9 the amount of payment due to any claimant from the wildfire  
10 relief fund pursuant to sections -13, -14, and -15,  
11 respectively, or the board's determination of a contributor's  
12 allocation for any contribution, the affected person or entity  
13 may request a contested case hearing on that determination  
14 before the department of commerce and consumer affairs, pursuant  
15 to chapter 91.

16 (b) Upon receipt of a request for hearing on the  
17 administrator or board's determination, the office of  
18 administrative hearings shall schedule a hearing date no later  
19 than thirty days after its receipt of the request for hearing.

20 (c) Following the conclusion of any hearing or before the  
21 conclusion of the hearing, with the concurrence of the parties,



1 the office of administrative hearings shall promptly, and no  
2 later than thirty days after the hearing, decide the matter and  
3 issue findings of fact, conclusions of law, and a decision in  
4 accordance with the hearings officer's determination.

5 (d) Within thirty days after the date on which a copy of  
6 the office of administrative hearings' order is mailed to the  
7 parties, a party may seek judicial review of the order by filing  
8 a petition for review in the applicable circuit court, with a  
9 right of appeal as allowed by law. If no petition is timely  
10 filed, the order of the office of administrative hearings shall  
11 be final.

12 § -18 **Limitations on claims.** (a) No suit, claim, or  
13 other civil legal action may be instituted or maintained against  
14 contributors or their affiliates, employees, agents, or  
15 insurers:

16 (1) For recovery of losses or damages of a type for which  
17 compensation may be sought from the wildfire relief  
18 fund; and

19 (2) By persons or entities:

20 (A) Who are contributors, property owners who do not  
21 opt out of the wildfire relief fund, or property



1 insurers who elect to participate in the wildfire  
2 relief fund; or

3 (B) Who seek indemnity or contribution for amounts  
4 paid, or that may be paid, to contributors,  
5 property owners who do not opt out of the  
6 wildfire relief fund, or property insurers who  
7 elect to participate in the wildfire relief fund;  
8 provided that the rights of a property insurer to sue as  
9 subrogee of its policyholder shall not be affected by a  
10 property owner's participation in the wildfire relief fund  
11 and eligibility to seek uninsured property damages from the  
12 wildfire relief fund, but instead such subrogation rights  
13 shall be affected only if the property insurer elects to  
14 participate in the wildfire relief fund.

15 (b) Persons or entities who are eligible to seek  
16 compensation from the wildfire relief fund for property damage  
17 arising from a catastrophic wildfire may not seek to recover for  
18 damage from electric utilities, public utilities other than  
19 electric utilities, the State, or private property owners who  
20 are contributors, notwithstanding that the claimed property



1 damage may exceed the amount of payment by the wildfire relief  
2 fund for the damage.

3 (c) The wildfire relief fund shall be subrogated to the  
4 rights of the contributors, property owners who do not opt out  
5 of the wildfire relief fund, and property insurers who elect to  
6 participate in the wildfire relief fund, to the extent of any  
7 payment made by the wildfire relief fund to those persons or  
8 entities, and may pursue claims against a person or entity that  
9 is not a contributor for damages resulting from the catastrophic  
10 wildfire."

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

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

17 (1) Commissioned and enlisted personnel of the Hawaii  
18 National Guard as such, and positions in the Hawaii  
19 National Guard that are required by state or federal  
20 laws or regulations or orders of the National Guard to



- 1 be filled from those commissioned or enlisted  
2 personnel;
- 3 (2) Positions filled by persons employed by contract where  
4 the director of human resources development has  
5 certified that the service is special or unique or is  
6 essential to the public interest and that, because of  
7 circumstances surrounding its fulfillment, personnel  
8 to perform the service cannot be obtained through  
9 normal civil service recruitment procedures. Any such  
10 contract may be for any period not exceeding one year;
- 11 (3) Positions that must be filled without delay to comply  
12 with a court order or decree if the director  
13 determines that recruitment through normal recruitment  
14 civil service procedures would result in delay or  
15 noncompliance, such as the Felix-Cayetano consent  
16 decree;
- 17 (4) Positions filled by the legislature or by either house  
18 or any committee thereof;
- 19 (5) Employees in the office of the governor and office of  
20 the lieutenant governor, and household employees at  
21 Washington Place;



- 1 (6) Positions filled by popular vote;
- 2 (7) Department heads, officers, and members of any board,  
3 commission, or other state agency whose appointments  
4 are made by the governor or are required by law to be  
5 confirmed by the senate;
- 6 (8) Judges, referees, receivers, masters, jurors, notaries  
7 public, land court examiners, court commissioners, and  
8 attorneys appointed by a state court for a special  
9 temporary service;
- 10 (9) One bailiff for the chief justice of the supreme court  
11 who shall have the powers and duties of a court  
12 officer and bailiff under section 606-14; one  
13 secretary or clerk for each justice of the supreme  
14 court, each judge of the intermediate appellate court,  
15 and each judge of the circuit court; one secretary for  
16 the judicial council; one deputy administrative  
17 director of the courts; three law clerks for the chief  
18 justice of the supreme court, two law clerks for each  
19 associate justice of the supreme court and each judge  
20 of the intermediate appellate court, one law clerk for  
21 each judge of the circuit court, two additional law



1           clerks for the civil administrative judge of the  
2           circuit court of the first circuit, two additional law  
3           clerks for the criminal administrative judge of the  
4           circuit court of the first circuit, one additional law  
5           clerk for the senior judge of the family court of the  
6           first circuit, two additional law clerks for the civil  
7           motions judge of the circuit court of the first  
8           circuit, two additional law clerks for the criminal  
9           motions judge of the circuit court of the first  
10          circuit, and two law clerks for the administrative  
11          judge of the district court of the first circuit; and  
12          one private secretary for the administrative director  
13          of the courts, the deputy administrative director of  
14          the courts, each department head, each deputy or first  
15          assistant, and each additional deputy, or assistant  
16          deputy, or assistant defined in paragraph (16);  
17          (10) First deputy and deputy attorneys general, the  
18          administrative services manager of the department of  
19          the attorney general, one secretary for the  
20          administrative services manager, an administrator and  
21          any support staff for the criminal and juvenile



1 justice resources coordination functions, and law  
2 clerks;

3 (11) (A) Teachers, principals, vice-principals, complex  
4 area superintendents, deputy and assistant  
5 superintendents, other certificated personnel, no  
6 more than twenty noncertificated administrative,  
7 professional, and technical personnel not engaged  
8 in instructional work;

9 (B) Effective July 1, 2003, teaching assistants,  
10 educational assistants, bilingual/bicultural  
11 school-home assistants, school psychologists,  
12 psychological examiners, speech pathologists,  
13 athletic health care trainers, alternative school  
14 work study assistants, alternative school  
15 educational/supportive services specialists,  
16 alternative school project coordinators, and  
17 communications aides in the department of  
18 education;

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



- 1 (D) Members of the faculty of the University of
- 2 Hawaii, including research workers, extension
- 3 agents, personnel engaged in instructional work,
- 4 and administrative, professional, and technical
- 5 personnel of the university;
- 6 (12) Employees engaged in special, research, or
- 7 demonstration projects approved by the governor;
- 8 (13) (A) Positions filled by inmates, patients of state
- 9 institutions, persons with severe physical or
- 10 mental disabilities participating in the work
- 11 experience training programs;
- 12 (B) Positions filled with students in accordance with
- 13 guidelines for established state employment
- 14 programs; and
- 15 (C) Positions that provide work experience training
- 16 or temporary public service employment that are
- 17 filled by persons entering the workforce or
- 18 persons transitioning into other careers under
- 19 programs such as the federal Workforce Investment
- 20 Act of 1998, as amended, or the Senior Community
- 21 Service Employment Program of the Employment and



1 Training Administration of the United States  
2 Department of Labor, or under other similar state  
3 programs;

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

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

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



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



1 an administrative assistant to the superintendent of  
2 education;

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

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

9 (B) All of the positions defined by paragraph (9)  
10 shall be included in the position classification  
11 plan;

12 (18) Positions in the state foster grandparent program and  
13 positions for temporary employment of senior citizens  
14 in occupations in which there is a severe personnel  
15 shortage or in special projects;

16 (19) Household employees at the official residence of the  
17 president of the University of Hawaii;

18 (20) Employees in the department of education engaged in  
19 the supervision of students during meal periods in the  
20 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after  
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the  
4 Hawaii public housing authority; provided that not  
5 more than twenty-six per cent of the authority's  
6 workforce in any housing project maintained or  
7 operated by the authority shall be hired under the  
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and  
10 nutrition program of the University of Hawaii that  
11 require the hiring of nutrition program assistants who  
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities  
14 who are certified by the state vocational  
15 rehabilitation office that they are able to perform  
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the  
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult  
21 education programs;



- 1 (27) In the state energy office in the department of  
2 business, economic development, and tourism, all  
3 energy program managers, energy program specialists,  
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the  
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human  
8 services, the division administrator, finance officer,  
9 health care services branch administrator, medical  
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human  
12 services, the enterprise officer, information security  
13 and privacy compliance officer, security and privacy  
14 compliance engineer, security and privacy compliance  
15 analyst, information technology implementation  
16 manager, assistant information technology  
17 implementation manager, resource manager,  
18 community/project development director, policy  
19 director, special assistant to the director, and  
20 limited English proficiency project  
21 manager/coordinator;



- 1 (31) The Alzheimer's disease and related dementia services  
2 coordinator in the executive office on aging;
- 3 (32) In the Hawaii emergency management agency, the  
4 executive officer, public information officer, civil  
5 defense administrative officer, branch chiefs, and  
6 emergency operations center state warning point  
7 personnel; provided that for state warning point  
8 personnel, the director shall determine that  
9 recruitment through normal civil service recruitment  
10 procedures would result in delay or noncompliance;
- 11 (33) The executive director and seven full-time  
12 administrative positions of the school facilities  
13 authority;
- 14 (34) Positions in the Mauna Kea stewardship and oversight  
15 authority;
- 16 (35) In the office of homeland security of the department  
17 of law enforcement, the statewide interoperable  
18 communications coordinator; [~~and~~]
- 19 (36) In the social services division of the department of  
20 human services, the business technology analyst[~~-~~];  
21 and





- 1 (5) A representative of the insurance division of the
- 2 department of commerce and consumer affairs;
- 3 (6) A representative of Hawaiian Electric, who shall be
- 4 invited by the chairperson of the working group;
- 5 (7) A representative of Kauai Island Utility Cooperative,
- 6 who shall be invited by the chairperson of the working
- 7 group;
- 8 (8) A representative of property insurers that conduct
- 9 business in the State, who shall be invited by the
- 10 chairperson of the working group;
- 11 (9) A member of the public, who shall be invited by the
- 12 chairperson of the working group; and
- 13 (10) Any other individuals deemed necessary by the
- 14 chairperson of the working group.

15 (c) In carrying out its duties, the working group shall  
 16 begin with a review, examination, and analysis of the provisions  
 17 of the various drafts of House Bill No. 2700 and Senate Bill No.  
 18 3344 considered during the regular session of 2024.

19 PART III

20 SECTION 5. There is appropriated out of the general  
 21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2024-2025 for  
2 deposit into the wildfire relief fund.

3 The sum appropriated shall be expended by the department of  
4 commerce and consumer affairs for the purposes of this Act.

5 SECTION 6. On the operation date, as defined in  
6 section -1, Hawaii Revised Statutes, of section 2 of this  
7 Act, there is appropriated out of the general revenues of the  
8 State of Hawaii the sum of \$ or so much thereof as may  
9 be necessary for fiscal year 2024-2025 as a reserve against the  
10 pledge guarantee set forth in section -8(1), Hawaii Revised  
11 Statutes, of section 2 of this Act.

12 SECTION 7. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so  
14 much thereof as may be necessary for fiscal year 2024-2025 for  
15 the establishment of full-time equivalent ( FTE)  
16 administrator position, who shall be exempt from chapter 76,  
17 Hawaii Revised Statutes, to support the Hawaii wildfire relief  
18 fund corporation; provided that in all subsequent fiscal years,  
19 all funding for the administrator position shall be paid from  
20 the wildfire relief fund.



1           The sum appropriated shall be expended by the department of  
2 commerce and consumer affairs for the purposes of this Act.

3           SECTION 8. In accordance with section 9 of article VII of  
4 the Hawaii State Constitution and sections 37-91 and 37-93,  
5 Hawaii Revised Statutes, the legislature has determined that the  
6 appropriations contained in H.B. No.           , will cause the state  
7 general fund expenditure ceiling for fiscal year 2024-2025 to be  
8 exceeded by \$           or           per cent. In addition, the  
9 appropriation contained in this Act will cause the general fund  
10 expenditure ceiling for fiscal year 2024-2025 to be further  
11 exceeded by \$           or           per cent. The combined total  
12 amount of general fund appropriations contained in only these  
13 two Acts will cause the state general fund expenditure ceiling  
14 for fiscal year 2024-2025 to be exceeded by  
15 \$           or           per cent. The reasons for exceeding the  
16 general fund expenditure ceiling are that:

- 17           (1) The appropriation made in this Act is necessary to  
18           serve the public interest; and  
19           (2) The appropriation made in this Act meets the needs  
20           addressed by this Act.



1 SECTION 9. This Act shall take effect on July 1, 3000;  
2 provided that part I of this Act shall take effect on July 1,  
3 2025.



**Report Title:**

DCCA; Hawaii Wildfire Relief Fund; Hawaii Wildfire Relief Fund Corporation; Public Utilities Commission; Catastrophic Wildfire; Working Group; Report; Appropriation; Expenditure Ceiling

**Description:**

Establishes the Hawaii Wildfire Relief Fund and Hawaii Wildfire Relief Fund Corporation to provide compensation for property damage resulting from catastrophic wildfires in the State. Requires the Corporation's board to report to the Legislature. Makes an appropriation. Effective 7/1/3000. (HD2)

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

