

Honolulu, Hawaii

MAR 20 2024

RE: H.B. No. 1843
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Labor and Technology and Public Safety and Intergovernmental and Military Affairs, to which was referred H.B. No. 1843, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIRE PROTECTION,"

beg leave to report as follows:

The purpose and intent of this measure is to establish and appropriate funds for the Office of the State Fire Marshal within the Department of Labor and Industrial Relations to direct fire protection efforts statewide.

Your Committees received testimony in support of this measure from the Office of the Governor, Department of Labor and Industrial Relations, State Fire Council, Department of Land and Natural Resources, County of Hawai'i Fire Department, County of Maui Department of Fire and Public Safety, Honolulu Fire Department, one member of the Maui County Council, and Democratic Party of Hawai'i.

Your Committees received comments on this measure from the Department of the Attorney General and Maui Chamber of Commerce.

Your Committees find that state fire marshals serve an integral role in coordinating fire prevention among local agencies. Your Committees find, however, that Act 241, Session



Laws of Hawaii 1978, abolished the Office of the State Fire Marshal and replaced it with the State Fire Council, comprising the Fire Chiefs of the counties, Fire Chief of the Hawaii State Aircraft Rescue Fire Fighting unit, and a representative of the Division of Forestry and Wildlife of the Department of Land and Natural Resources. Your Committees find, however, that the State Fire Council is limited in its scope and responsibilities, has a relatively small budget, is staffed by a small number of part-time employees, and can only meet on a quarterly basis due to the high demand of the members' leadership positions. Therefore, this measure will reestablish the position of the State Fire Marshal to provide critical input and oversight to the State's fire code, standardize training requirements for county fire departments, lead fire investigations to determine fire origin and cause, and provide and coordinate public education and awareness on fire safety.

Your Committees have amended this measure by:

- (1) Deleting language that would have:
 - (A) Established the Office of the State Fire Marshal within the Department of Labor and Industrial Relations to be headed by the State Fire Marshal;
 - (B) Required the Governor to appoint the State Fire Marshal without regard to chapters 76 and 89, Hawaii Revised Statutes, to serve for a period of ten years, from a list of three nominees submitted by the State Fire Marshal;
 - (C) Allowed the State Fire Marshal to hire staff as necessary;
 - (D) Required the State Fire Marshal to have the qualifications, experience, and expertise in fire safety, prevention, and control necessary to successfully perform the duties of the position; and
 - (E) Required the State Fire Marshal to perform certain duties;



- (2) Inserting language that:
 - (A) Establishes within the Department of Labor and Industrial Relations a State Fire Marshal, who shall be appointed by the State Fire Council without regard to chapter 76, Hawaii Revised Statutes, to serve for a period of ten years;
 - (B) Exempts the appointment of the State Fire Marshall from being subject to the advice and consent of the Senate;
 - (C) Requires the terms and conditions of the appointment of the State Fire Marshal to be established by the State Fire Council;
 - (D) Requires the State Fire Marshal to have the same powers and authority as county fire chiefs under sections 132D-4, 132D-16.6, and 132D-16.7, and chapter 132, Hawaii Revised Statutes; and
 - (E) Requires the State Fire Marshal to perform certain duties, including preparing and submitting annual reports to the Governor and the State Fire Council;
- (3) Inserting language that amends section 76-16(b), Hawaii Revised Statutes, to include the State Fire Marshal as a position exempt from chapter 76, Hawaii Revised Statutes; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.


As affirmed by the records of votes of the members of your Committees on Labor and Technology and Public Safety and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1843, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1843, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Labor and
Technology and Public Safety
and Intergovernmental and
Military Affairs,



GLENN WAKAI Chair



HENRY J.C. AQUINO, Chair

The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Labor and Technology
LBT

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1843, HD2	LBT/RSM, NAM	3/15/24		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
AQUINO, Henry J.C. (C)	✓			
MORIWAKI, Sharon Y. (VC)	✗			
IHARA, Jr., Les	✗			
LEE, Chris	✗			
FEVELLA, Kurt				✗
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

