S.B. NO. 2085 S.D. 2 H.D. 1

C.D. 1

### A BILL FOR AN ACT

RELATING TO THE STATE FIRE MARSHAL.

### 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 fire council. The state fire council is now composed of the 13 14 fire chiefs of the four counties, the state aircraft rescue 15 firefighting 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 noncompensated volunteers as their time allows from their full-time 18 2024-2710 SB2085 CD1 SMA-2.docx 1



employment. The state fire council has an office staff
consisting of two part-time administrative specialists. The
legislature further finds that rising global temperatures have
increased the risk of fires and dangerous weather conditions in
the State and as these risks increase, the State will be better
served by having a dedicated state fire marshal.

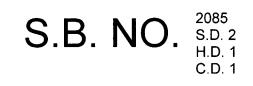
7 Accordingly, the purpose of this Act is to re-establish the 8 position of the state fire marshal by establishing the office of 9 the state fire marshal within the department of labor and 10 industrial relations, headed by the state fire marshal.

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

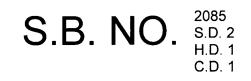
14 "§132- Office of the state fire marshal; established. 15 (a) There is established the office of the state fire marshal 16 within the department of labor and industrial relations. The 17 office shall be headed by a state fire marshal, who shall be 18 appointed by the state fire council to serve for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



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1	vacancy,	the state fire council shall meet expeditiously to
2	select an	d appoint a new state fire marshal to serve the
3	remainder	of the unexpired term. The state fire marshal may
4	<u>hire staf</u>	f as necessary.
5	(b)	The state fire marshal shall have the qualifications,
6	experienc	e, and expertise in fire safety, prevention, and
7	<u>control n</u>	ecessary to successfully perform the duties of the
8	position.	
9	(c)	The duties of the state fire marshal shall include but
10	not be li	mited to:
11	(1)	Coordinating fire protection efforts between local
12		agencies for the State;
13	(2)	Working with the state fire council on matters
14		relating to fire services in the State;
15	(3)	Working with state and county law enforcement agencies
16		for enforcement of the state fire code;
17	(4)	Reviewing and assessing the fire risk of the State;
18	(5)	Reviewing and proposing amendments to the state fire
19		code and submitting the proposed amendments to the
20		state fire council for the state fire council's

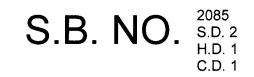


1		consideration in its adoption of or amendments to the
2		state fire code;
3	(6)	Reviewing the emergency resources that are available
4		in the State to be deployed to address fires;
5	(7)	Assessing whether the State would benefit from a
6		statewide public fire safety messaging program;
7	(8)	Assisting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



1	(d)	In carrying out the duties of this section, the state
2	fire mars	hal may utilize the services of the state fire council,
3	including	its advisory committees and administrative staff, as
4	appropria	te."
5	SECT	ION 3. Section 76-16, Hawaii Revised Statutes, is
6	amended b	y amending subsection (b) to read as follows:
7	"(b)	The civil service to which this chapter applies shall
8	comprise	all positions in the State now existing or hereafter
9	establish	ed and embrace all personal services performed for the
10	State, ex	cept the following:
11	(1)	Commissioned and enlisted personnel of the Hawaii
12		National Guard as such, and positions in the Hawaii
13		National Guard that are required by state or federal
14		laws or regulations or orders of the National Guard to
15		be filled from those commissioned or enlisted
16		personnel;
17	(2)	Positions filled by persons employed by contract where
18		the director of human resources development has
19		certified that the service is special or unique or is
20		essential to the public interest and that, because of
21		circumstances surrounding its fulfillment, personnel

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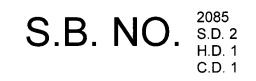


1		to perform the service cannot be obtained through
2		normal civil service recruitment procedures. Any such
3		contract may be for any period not exceeding one year;
4	(3)	Positions that must be filled without delay to comply
5		with a court order or decree if the director
6		determines that recruitment through normal recruitment
7		civil service procedures would result in delay or
8		noncompliance, such as the Felix-Cayetano consent
9		decree;
10	(4)	Positions filled by the legislature or by either house
11		or any committee thereof;
12	(5)	Employees in the office of the governor and office of
13		the lieutenant governor, and household employees at
14		Washington Place;
15	(6)	Positions filled by popular vote;
16	(7)	Department heads, officers, and members of any board,
17		commission, or other state agency whose appointments
18		are made by the governor or are required by law to be
19		confirmed by the senate;
20	(8)	Judges, referees, receivers, masters, jurors, notaries

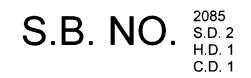
public, land court examiners, court commissioners, and

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

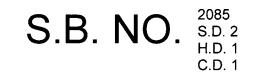


1 circuit, two additional law clerks for the criminal 2 motions judge of the circuit court of the first 3 circuit, and two law clerks for the administrative judge of the district court of the first circuit; and 4 5 one private secretary for the administrative director of the courts, the deputy administrative director of 6 7 the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant 8 9 deputy, or assistant defined in paragraph (16); 10 First deputy and deputy attorneys general, the (10)11 administrative services manager of the department of 12 the attorney general, one secretary for the administrative services manager, an administrator and 13 14 any support staff for the criminal and juvenile 15 justice resources coordination functions, and law 16 clerks; 17 Teachers, principals, vice-principals, complex (11)(A) area superintendents, deputy and assistant 18 19 superintendents, other certificated personnel, no 20 more than twenty noncertificated administrative,

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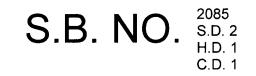


1		professional, and technical personnel not engaged
2		in instructional work;
3	(B)	Effective July 1, 2003, teaching assistants,
4		educational assistants, bilingual/bicultural
5		school-home assistants, school psychologists,
6		psychological examiners, speech pathologists,
7		athletic health care trainers, alternative school
8		work study assistants, alternative school
9		educational/supportive services specialists,
10		alternative school project coordinators, and
11		communications aides in the department of
12		education;
13	(C)	The special assistant to the state librarian and
14		one secretary for the special assistant to the
15		state librarian; and
16	(D)	Members of the faculty of the University of
17		Hawaii, including research workers, extension
18		agents, personnel engaged in instructional work,
19		and administrative, professional, and technical
20		personnel of the university;



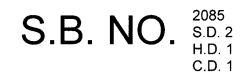
1	(12)	Empl	oyees engaged in special, research, or
2		demo	nstration projects approved by the governor;
3	(13)	(A)	Positions filled by inmates, patients of state
4			institutions, persons with severe physical or
5			mental disabilities participating in the work
6			experience training programs;
7		(B)	Positions filled with students in accordance with
8			guidelines for established state employment
9			programs; and
10		(C)	Positions that provide work experience training
11			or temporary public service employment that are
12			filled by persons entering the workforce or
13			persons transitioning into other careers under
14			programs such as the federal Workforce Investment
15			Act of 1998, as amended, or the Senior Community
16			Service Employment Program of the Employment and
17			Training Administration of the United States
18			Department of Labor, or under other similar state
19			programs;
20	(14)	A cu	stodian or guide at Iolani Palace, the Royal
21		Maus	oleum, and Hulihee Palace;

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1 Positions filled by persons employed on a fee, (15) contract, or piecework basis, who may lawfully perform 2 3 their duties concurrently with their private business 4 or profession or other private employment and whose 5 duties require only a portion of their time, if it is 6 impracticable to ascertain or anticipate the portion 7 of time to be devoted to the service of the State; 8 (16) Positions of first deputies or first assistants of 9 each department head appointed under or in the manner 10 provided in section 6, article V, of the Hawaii State 11 Constitution; three additional deputies or assistants 12 either in charge of the highways, harbors, and 13 airports divisions or other functions within the 14 department of transportation as may be assigned by the 15 director of transportation, with the approval of the 16 governor; one additional deputy in the department of 17 human services either in charge of welfare or other 18 functions within the department as may be assigned by 19 the director of human services; four additional 20 deputies in the department of health, each in charge 21 of one of the following: behavioral health,



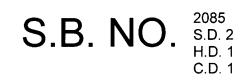


1 environmental health, hospitals, and health resources 2 administration, including other functions within the 3 department as may be assigned by the director of 4 health, with the approval of the governor; two 5 additional deputies in charge of the law enforcement 6 programs, administration, or other functions within 7 the department of law enforcement as may be assigned 8 by the director of law enforcement, with the approval 9 of the governor; three additional deputies each in 10 charge of the correctional institutions, 11 rehabilitation services and programs, and 12 administration or other functions within the 13 department of corrections and rehabilitation as may be 14 assigned by the director or corrections and 15 rehabilitation, with the approval of the governor; an 16 administrative assistant to the state librarian; and 17 an administrative assistant to the superintendent of 18 education; 19 Positions specifically exempted from this part by any (17)

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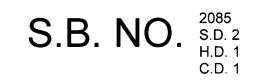
other law; provided that:

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1		(A) Any exemption created after July 1, 2014, shall
2		expire three years after its enactment unless
3		affirmatively extended by an act of the
4		legislature; and
5		(B) All of the positions defined by paragraph (9)
6		shall be included in the position classification
7		plan;
8	(18)	Positions in the state foster grandparent program and
9		positions for temporary employment of senior citizens
10		in occupations in which there is a severe personnel
11		shortage or in special projects;
12	(19)	Household employees at the official residence of the
13		president of the University of Hawaii;
14	(20)	Employees in the department of education engaged in
15		the supervision of students during meal periods in the
16		distribution, collection, and counting of meal
17		tickets, and in the cleaning of classrooms after
18		school hours on a less than half-time basis;
19	(21)	Employees hired under the tenant hire program of the
20		Hawaii public housing authority; provided that not
21		more than twenty-six per cent of the authority's





1		workforce in any housing project maintained or
2		operated by the authority shall be hired under the
3		tenant hire program;
4	(22)	Positions of the federally funded expanded food and
5		nutrition program of the University of Hawaii that
6		require the hiring of nutrition program assistants who
7		live in the areas they serve;
8	(23)	Positions filled by persons with severe disabilities
9		who are certified by the state vocational
10		rehabilitation office that they are able to perform
11		safely the duties of the positions;
11 12	(24)	safely the duties of the positions; The sheriff;
	(24) (25)	
12		The sheriff;
12 13		The sheriff; A gender and other fairness coordinator hired by the judiciary;
12 13 14	(25)	The sheriff; A gender and other fairness coordinator hired by the judiciary;
12 13 14 15	(25)	The sheriff; A gender and other fairness coordinator hired by the judiciary; Positions in the Hawaii National Guard youth and adult
12 13 14 15 16	(25)	The sheriff; A gender and other fairness coordinator hired by the judiciary; Positions in the Hawaii National Guard youth and adult education programs;
12 13 14 15 16 17	(25)	The sheriff; A gender and other fairness coordinator hired by the judiciary; Positions in the Hawaii National Guard youth and adult education programs; In the state energy office in the department of

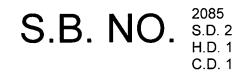


1	(28)	Administrative appeals hearing officers in the
2		department of human services;
3	(29)	In the Med-QUEST division of the department of human
4		services, the division administrator, finance officer,
5		health care services branch administrator, medical
6		director, and clinical standards administrator;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





1		defense administrative officer, branch chiefs, and
2		emergency operations center state warning point
3		personnel; provided that for state warning point
4		personnel, the director shall determine that
5		recruitment through normal civil service recruitment
6		procedures would result in delay or noncompliance;
7	(33)	The executive director and seven full-time
8		administrative positions of the school facilities
9		authority;
10	(34)	Positions in the Mauna Kea stewardship and oversight
11		authority;
12	(35)	In the office of homeland security of the department
13		of law enforcement, the statewide interoperable
14		communications coordinator; [and]
15	(36)	In the social services division of the department of
16		human services, the business technology analyst[ $\pm$ ];
17		and
18	(37)	The state fire marshal.
19	The	director shall determine the applicability of this
20	section t	o specific positions.



1	Nothing in this section shall be deemed to affect the civil
2	service status of any incumbent as it existed on July 1, 1955."
3	SECTION 4. Section 132-16, Hawaii Revised Statutes, is
4	amended by amending subsection (b) to read as follows:
5	"(b) In addition to adopting a state fire code pursuant to
6	section 132-3, the state fire council shall:
7	(1) Administer the requirements for reduced ignition
8	propensity cigarettes, in accordance with chapter
9	132C; [ <del>and</del> ]
10	(2) Serve as a focal point through which all applications
11	to the federal government for federal grant assistance
12	for fire-related projects shall be made. Upon the
13	receipt of any such federal grants, the state fire
14	council shall administer those federal grants $[-]$ ;
15	(3) Establish the terms of employment for the position of
16	the state fire marshal; and
17	(4) Appoint the state fire marshal."
18	SECTION 5. The state fire council shall submit a report of
19	its findings and recommendations, including any proposed
20	legislation, to the legislature by November 1, 2024. The report
21	shall include the following, at minimum:

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1	(1)	An organizational plan, including structure and
2		personnel plan, for the office of the state fire
3		marshal;
4	(2)	A description of the roles and division of
5		responsibilities between the State and the counties,
6		and the office of the state fire marshal and the state
7		fire council, regarding fire prevention and response;
8		and
9	(3)	Proposed operating budget for the office of the state
10		fire marshal.
11	SECT	ION 6. There is appropriated out of the general
12	revenues	of the State of Hawaii the sum of \$172,000 or so much
13	thereof a	s may be necessary for fiscal year 2024-2025 for the
14	following	:
15	(1)	\$120,000 for the establishment of one full-time
16		equivalent (1.00 FTE) permanent state fire marshal
17		position;
18	(2)	\$40,000 for the establishment of one full-time
19		equivalent (1.00 FTE) permanent position to support
20		the state fire marshal; and

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1	(3) \$12,000 for training, office supplies, rent, and other
2	operating and administrative costs to support the
3	state fire marshal,
4	in carrying out the purposes of this Act.
5	The sum appropriated shall be expended by the department of
6	labor and industrial relations for the purposes of this Act.
7	SECTION 7. Statutory material to be repealed is bracketed
8	and stricken. New statutory material is underscored.
9	SECTION 8. This Act shall take effect on July 1, 2024.





**Report Title:** Fire Protection; Office of the State Fire Marshal; State Fire Council; Report; Appropriations

#### Description:

Establishes the Office of the State Fire Marshal within the Department of Labor and Industrial Relations to be headed by a State Fire Marshal. Exempts the State Fire Marshal from Civil Service Law. Requires the State Fire Council to establish the terms of employment for the State Fire Marshal and appoint the State Fire Marshal to serve for a term of five years. Requires the State Fire Council to report to the Legislature. Makes appropriations. (CD1)

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

