

JAN 18 2024

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 Hawaii is the only
2 state in the country without a state fire marshal. The
3 legislature further finds that, without a government agency or
4 specific position tasked with coordinating statewide fire
5 prevention and mitigation efforts, Hawaii's wildfire
6 preparedness lacks cohesion and a statewide strategic plan. The
7 legislature also finds that a state fire marshal would have been
8 helpful in preventing, as well as immediately responding to, the
9 August 8, 2023 wildfires in Lahaina.

10 Accordingly, the purpose of this Act is to establish the
11 position and office of the state fire marshal.

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

15 "§132- Office of the state fire marshal; state fire
16 marshal; establishment; responsibilities. (a) There is
17 established within the Hawaii emergency management agency for



1 administrative purposes the office of the state fire marshal,
2 which shall be headed by a full-time state fire marshal. The
3 office of the state fire marshal shall be exempt from section
4 26-35.

5 (b) The state fire marshal shall:

6 (1) Develop a statewide wildfire preparedness and
7 mitigation plan;

8 (2) Coordinate with the state fire council established
9 pursuant to section 132-16 to recommend county-based
10 fire mitigation plans to increase the fire
11 preparedness level of each county;

12 (3) Aid the fire chiefs of each county in leading
13 investigations of fire pursuant to section 132-1(b);

14 (4) Work with relevant government agencies to address
15 wildfire hazards through vegetation management
16 particularly where urban areas border lands prone to
17 fire and other fire mitigation best practices;

18 (5) Support the state fire council's efforts to adopt
19 rules relating to the protections of persons and
20 property against fires pursuant to section 132-3 and



1 fulfil its functions relating to fire protection
2 pursuant to section 132-16; and
3 (6) Coordinate with county fire departments to develop a
4 statewide response to fires and other natural
5 disasters."

6 SECTION 3. Section 132-1, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§132-1 County fire chiefs; powers and duties.** (a)
9 Records. The fire chief of each county shall keep in the county
10 fire chief's office a record of all fires occurring in the
11 county and of all facts concerning the same, and shall make such
12 compilations and statistical investigations as the fire chief
13 may deem proper, all of which shall be kept as permanent records
14 in the fire chief's office. All records shall be public, except
15 that any evidence in any investigation may, in the discretion of
16 the county fire chief, be withheld from the public.

17 (b) Investigations, generally. The fire chief of each
18 county shall:

19 (1) Investigate the cause, origin, and circumstances of
20 fires;



1 (2) Supervise and make or cause to be made periodically a
2 thorough inspection of all property which might
3 constitute a fire hazard within the county;

4 (3) Summon and compel the attendance of witnesses and
5 production of evidence and hold hearings and make
6 orders in any matter under the fire chief's
7 jurisdiction;

8 (4) Cooperate with any and all other governmental officers
9 or agencies having jurisdiction in the matters.

10 (c) The fire chief of each county shall consult with the
11 state fire marshal annually to review the fire preparedness
12 level of their county."

13 SECTION 4. In accordance with section 9 of article VII of
14 the Hawaii State Constitution and sections 37-91 and 37-93,
15 Hawaii Revised Statutes, the legislature has determined that the
16 appropriations contained in Act 164, Regular Session of 2023,
17 and this Act will cause the state general fund expenditure
18 ceiling for fiscal year 2024-2025 to be exceeded by
19 \$ or per cent. This current declaration takes
20 into account general fund appropriations authorized for fiscal



1 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
2 only. The reasons for exceeding the general fund expenditure
3 ceiling are that:

- 4 (1) The appropriation made in this Act is necessary to
5 serve the public interest; and
- 6 (2) The appropriation made in this Act meets the needs
7 addressed by this Act.

8 SECTION 5. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2024-2025 for
11 the establishment of the office of the state fire marshal,
12 pursuant to section 2 of this Act, to be allocated as follows:

- 13 (1) \$ for the establishment of one full-time
14 equivalent (1.0 FTE) state fire marshal;
- 15 (2) \$ for the establishment of full-time
16 equivalent (FTE) positions within the office of
17 the state fire marshal; and
- 18 (3) \$ for the establishment, administration, and
19 operation of the office of the state fire marshal.



S.B. NO. 2144

1 The sum appropriated shall be expended by the office of the
2 state fire marshal established pursuant to section 2 of this Act
3 for the purposes of this Act.

4 SECTION 6. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2024.

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INTRODUCED BY *Erinice Arroyo*



S.B. NO. 2144

Report Title:

State Fire Marshal; Office of the State Fire Marshal;
Establishment; Expenditure Ceiling; Appropriation

Description:

Establishes the position and the Office of the State Fire
Marshal. Establishes the duties of the State Fire Marshal.
Declares that the general fund expenditure ceiling is exceeded.
Makes an appropriation.

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

