

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO FIRE PREVENTION.

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

1 PART I

2 SECTION 1. Chapter 132, Hawaii Revised Statutes, is  
3 amended by adding a new section to be appropriately designated  
4 and to read as follows:

5 "§132- Duty of owner to clear brush or vegetation

6 growth. (a) Every owner or other person having charge of or  
7 control over any building, structure, or other premises located  
8 in a hazardous fire area shall:

9 (1) Maintain an effective firebreak by removing and  
10 clearing flammable vegetation and combustible growth  
11 from areas within thirty feet of the building,  
12 structure, or premises; provided that single specimens  
13 of trees, ornamental shrubbery, or similar plants used  
14 as ground cover that do not rapidly transmit fire need  
15 not be removed or cleared;

16 (2) Maintain an effective firebreak by removing and  
17 clearing flammable vegetation and combustible growth



1 from areas within one hundred feet of the building,  
2 structure, or premises when hazardous conditions cause  
3 a firebreak of thirty feet to be insufficient to  
4 provide reasonable safety; provided that grass and  
5 other vegetation located more than thirty feet from  
6 buildings or structures and less than eighteen inches  
7 in height above the ground need not be removed where  
8 necessary to stabilize the soil and prevent erosion;

9 (3) Remove portions of trees that extend within ten feet  
10 of any chimney outlet of the building or structure;

11 (4) Remove deadwood from trees adjacent to or overhanging  
12 the building or structure; and

13 (5) Maintain the roof of the building or structure free of  
14 leaves, needles, or other dead vegetative growth.

15 (b) As used in this section, "hazardous fire area" means  
16 any geographic area that contains the type and condition of  
17 vegetation, topography, weather, and structure density that  
18 materially increases the possibility of vegetation conflagration  
19 fires."

20 PART II



1           SECTION 2. (a) The department of land and natural  
2 resources shall establish and implement a community fuels  
3 reduction project to reduce hazardous wildfire fuels on State  
4 lands, particularly on lands adjacent to communities. Where  
5 feasible, the community fuels reduction project shall:

- 6           (1) Reduce hazardous wildfire fuels on the landscape that  
7 threaten watersheds, communities, and critical public  
8 infrastructure such as powerlines and communication  
9 facilities;
- 10          (2) Create and maintain effective firebreaks along  
11 undeveloped state properties that border a developed  
12 parcel, including but not limited to schools and  
13 residential and commercial properties, by removing and  
14 clearing flammable vegetation and combustible growth  
15 from areas within thirty feet of the developed parcel;
- 16          (3) Reduce flammable grasses on the landscape through  
17 projects like managed grazing; and
- 18          (4) Provide water infrastructure for grazing and fire  
19 suppression.

20          (b) The department of land and natural resources shall  
21 submit a report to the legislature no later than twenty days



1 prior to the convening of the regular session of 2025 and each  
2 year thereafter on progress made toward meeting the requirements  
3 of subsection (a).

4 SECTION 3. In accordance with section 9 of article VII of  
5 the Hawaii State Constitution and sections 37-91 and 37-93,  
6 Hawaii Revised Statutes, the legislature has determined that the  
7 appropriations contained in Act 164, Regular Session of 2023,  
8 and this Act will cause the state general fund expenditure  
9 ceiling for fiscal year 2024-2025 to be exceeded by  
10 \$ or per cent. This current declaration takes  
11 into account general fund appropriations authorized for fiscal  
12 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
13 only. The reasons for exceeding the general fund expenditure  
14 ceiling are that:

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

19 SECTION 4. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so  
21 much thereof as may be necessary for fiscal year 2024-2025 for



1 the department of land and natural resources' division of  
 2 forestry and wildlife's community fuels reduction project to  
 3 support wildfire prevention and hazardous fuel reduction  
 4 measures pursuant to section 2 of this Act.

5 The sum appropriated shall be expended by the department of  
 6 land and natural resources for the purposes of this Act.

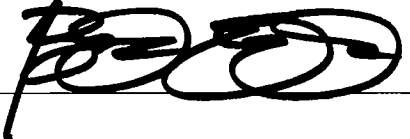
7 SECTION 5. Beginning with fiscal year 2025-2026 and each  
 8 fiscal year thereafter, the department of land and natural  
 9 resources shall establish the community fuels reduction project  
 10 as a separate line item within the department's budget.

11 PART III

12 SECTION 6. This Act does not affect rights and duties that  
 13 matured, penalties that were incurred, and proceedings that were  
 14 begun before its effective date.

15 SECTION 7. New statutory material is underscored.

16 SECTION 8. This Act shall take effect upon its approval;  
 17 provided that part II shall take effect on July 1, 2024.

18  
 INTRODUCED BY: 



# S.B. NO. 2313

**Report Title:**

DLNR; Property Owners; Hazardous Fire Areas; Fire Prevention; Community Fuels Reduction Project; Report; Budget; Expenditure Ceiling; Appropriation

**Description:**

Requires certain owners and occupants of properties located in hazardous fire areas to maintain effective firebreaks within thirty feet of the property and to practice other fire prevention activities. Establishes the Community Fuels Reduction Project to be administered by the Department of Land and Natural Resources. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation to the Department of Land and Natural Resources for the Community Fuels Reduction Project. Beginning with fiscal year 2025-2026 and each fiscal year thereafter, requires the Department of Land and Natural Resources to establish the Community Fuels Reduction Project as a separate line item within the Department's budget.

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

