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# A BILL FOR AN ACT

RELATING TO FIRE PROTECTION.

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

1           SECTION 1. The legislature finds that in the aftermath of  
2 the 2023 Maui wildfires, the department of the attorney general  
3 initiated an investigation and retained the independent,  
4 third-party Fire Safety Research Institute, part of UL Research  
5 Institutes, to assess the performance of state and county  
6 agencies in preparing for and responding to the 2023 Maui  
7 wildfires. The investigation led to three reports -- a  
8 "Phase 1" comprehensive timeline report, a "Phase 2" incident  
9 analysis report, and a "Phase 3" forward-looking report.

10           The "Phase 3" forward-looking report organized these  
11 findings and provided a prioritized list of action items of  
12 changes to be made to improve Hawaii's response to wildfires for  
13 the State and all counties. The report calls for changes and  
14 improvements to the office of the state fire marshal, which was  
15 established by Act 209, Session Laws of Hawaii 2024 -- among  
16 them, bolstering statutory authority of the office of the state  
17 fire marshal to address the wide spectrum of fire safety issues,



1 delineating responsibilities and reporting structures between  
2 the state fire marshal and the state fire council, and creating  
3 an organizational structure to immediately address the State's  
4 fire-safety priorities effectively.

5 Accordingly, the purpose of this Act is to:

- 6 (1) Effectuate the recommendations of the "Phase 3"  
7 forward-looking report;
- 8 (2) Establish a state fire marshal selection commission;  
9 and
- 10 (3) Place the office of the state fire marshal under the  
11 department of law enforcement.

12 SECTION 2. Chapter 132, Hawaii Revised Statutes, is  
13 amended by designating sections 132-1 to 132-19 as part I and  
14 inserting a title before section 132-1 to read as follows:

15 **"PART I. GENERAL PROVISIONS"**

16 SECTION 3. Chapter 132, Hawaii Revised Statutes, is  
17 amended by adding a new part to be appropriately designated and  
18 to read as follows:

19 **"PART . OFFICE OF THE STATE FIRE MARSHAL"**

20 **§132-A Definitions.** As used in this part:



1 "Defensible space" means a natural or human-made area in  
2 which material capable of supporting the spread of fire has been  
3 treated, cleared, or modified to slow the rate and intensity of  
4 advancing wildfires and allowing space for fire suppression  
5 operations to occur.

6 "Office" means the office of the state fire marshal.

7 "Structure hardening" means the installation, replacement,  
8 or retrofitting of building materials, systems, or assemblies  
9 used in the exterior design and construction of existing  
10 structures with the primary purpose of reducing risk to  
11 structures from wildfire and in compliance with the provisions  
12 of the state fire code relating to structure or home hardening.

13 **§132-B Office of the state fire marshal; established.** (a)  
14 The office of the state fire marshal shall be established within  
15 the department of law enforcement for administrative purposes.  
16 The office shall be headed by the state fire marshal.

17 (b) The state fire marshal may organize and reorganize the  
18 administrative structure of the office as the state fire marshal  
19 considers appropriate to properly conduct the work of the  
20 office.



1 (c) The state fire marshal may divide the functions of the  
2 office into administrative divisions. The state fire marshal  
3 may appoint an individual to administer each division. Each  
4 individual appointed under this subsection shall be well-  
5 qualified by technical training and experience in the functions  
6 to be performed by the individual.

7 **§132-C Powers and duties generally.** (a) The office  
8 shall:

- 9 (1) Review and assess the fire risk of the State;
- 10 (2) Coordinate fire protection efforts among local  
11 agencies for the State;
- 12 (3) Review and propose amendments to the state fire code,  
13 in consultation with and in consideration of  
14 recommendations provided by the state fire council for  
15 the state fire council's consideration in its adoption  
16 of or amendments to the state fire code;
- 17 (4) Review the emergency resources that are available in  
18 the State to be deployed to address fires;
- 19 (5) Work with state and county law enforcement agencies  
20 for enforcement of the state fire code; provided that



- 1 law enforcement agencies shall have primary law  
2 enforcement jurisdiction;
- 3 (6) Upon request of a county official having enforcement  
4 responsibility and a showing of unusual fire hazard or  
5 other special circumstances, investigate and make  
6 appropriate recommendations. The state fire marshal  
7 may investigate or cause an investigation to be made  
8 to determine the probable cause, origin, and  
9 circumstances of any fire and shall classify the  
10 findings as the state fire marshal may find  
11 appropriate to promote fire protection and prevention.  
12 The state fire marshal shall coordinate and consult  
13 with county authorities in the event that the state  
14 fire marshal needs to summon witnesses related to a  
15 fire investigation;
- 16 (7) Conduct inspections of state buildings and facilities  
17 to ensure fire safety compliance;
- 18 (8) Oversee the training and certification of fire  
19 inspectors and investigators in the State; and
- 20 (9) Maintain records of all fires in the State, including  
21 the causes and circumstances.



1 (b) The office shall adopt rules pursuant to chapter 91  
2 necessary to implement this part.

3 **§132-D Discretionary powers.** The office may:

4 (1) Establish headquarters and county offices of the  
5 office at places the office of the governor considers  
6 advisable for the protection of the State;

7 (2) Allow the state fire marshal and deputy state fire  
8 marshals to operate authorized emergency vehicles as  
9 defined by section 291C-1;

10 (3) Use land and buildings for the accommodation of office  
11 employees and office vehicles and equipment;

12 (4) Contract or otherwise cooperate with any person or  
13 public agency for the procurement of necessary  
14 services or property, subject to chapter 103D where  
15 applicable, including by entering into lease  
16 agreements and taking title to real property as  
17 necessary for the performance of the duties of the  
18 office;

19 (5) As an emergency services agency, control and regulate  
20 the acquisition, operation, use, maintenance, and



- 1 disposal of, and access to, motor vehicles and  
2 equipment for official state fire business;
- 3 (6) Accept and transfer gifts, grants, donations, and  
4 funds from any source, including services and  
5 property, to carry out the duties of the office;
- 6 (7) Provide training, or enter into contracts to obtain  
7 training services, in fire suppression and fire safety  
8 inspection, to departments and agencies that issue  
9 licenses;
- 10 (8) Explore additional opportunities to reduce wildfire  
11 risk, including engaging with:
- 12 (A) The insurance commissioner, as defined in section  
13 431:2-102, regarding insurance policy coverage  
14 provisions, underwriting standards, insurance  
15 rates, and any other insurance-related topic  
16 relevant to enhancing the protection of property  
17 from wildfire at a reasonable cost;
- 18 (B) Electric utilities regarding further actions to  
19 protect public safety, reduce risk to electric  
20 company customers, and promote electrical system  
21 resilience to wildfire damage; and



1 (C) Federal agencies to expand opportunities for  
2 cost-share partnerships for wildfire mitigation  
3 and develop strategies for improvements to  
4 federal fire management policies applicable to  
5 the State; and

6 (9) Perform any other duties necessary to discharge its  
7 duties under this part.

8 **§132-E Preparation of statistical reports.** Every two  
9 years, the state fire marshal shall prepare statistical reports  
10 on the history and condition of state fire defenses and an  
11 analysis of contributing factors of fire causes for the period  
12 of the report. The reports shall be posted on the office's  
13 website and publicly available upon request, subject to a fee  
14 not to exceed the cost of printing and distribution. The  
15 reports compiled under this section shall include a compilation  
16 or summary of the county fire chiefs' records prepared pursuant  
17 to section 132-1(a), in addition to any other sources the state  
18 fire marshal deems appropriate.

19 **§132-F Powers and duties relating to wildfire readiness.**

20 The office shall increase the State's wildfire readiness



1 capacity to the extent that the office of the governor receives  
2 funding for the increase, by means including:

3 (1) Increasing the number of fire prevention personnel and  
4 fire administrative support personnel to address  
5 planning, communications, training, deployment, and  
6 safety;

7 (2) Implementing innovative technologies and modernizing  
8 systems to expedite fire resource deployment in an  
9 efficient and safe manner;

10 (3) Entering into contracts or agreements with federal or  
11 state agencies, counties, other states, corporations,  
12 and authorities, having jurisdiction for fire  
13 prevention, suppression, coordination, and response;  
14 and

15 (4) Coordinating with the Hawaii emergency management  
16 agency.

17 **§132-G Utilization of firefighting resources.** The state  
18 fire marshal, in consultation with the Hawaii emergency  
19 management agency, shall provide advice and counsel to the  
20 governor on the most practical utilization of the firefighting  
21 resources of the State.



1           **§132-H State fire marshal; terms of employment.** (a) The  
2 state fire marshal shall be the administrator of the office.  
3 Until January 1, 2026, the state fire marshal shall be appointed  
4 by the governor from a list of three names submitted by the  
5 state fire council. The state fire marshal shall serve for a  
6 term of five years. The appointment of the state fire marshal  
7 shall be made without regard to chapters 76 and 89, and shall  
8 not be subject to the advice and consent of the senate. If a  
9 vacancy occurs, the state fire council shall meet expeditiously  
10 to submit a list of three names to the governor for a new state  
11 fire marshal to serve the remainder of the unexpired term.

12           (b) The state fire marshal shall be qualified to direct  
13 the technical and executive work of the office and shall have  
14 education or training related to the programs of the office and  
15 significant experience in managing fire protection or related  
16 programs.

17           **§132-I Deputies and assistants.** The state fire marshal  
18 shall appoint two deputy state fire marshals, exempt from  
19 chapters 76 and 89, whose duties shall be to assist in  
20 implementing this chapter. The office may also employ other  
21 assistants and employees, subject to chapter 76, and incur other



1 expenses as the state fire marshal may deem necessary to  
2 effectively administer the office. Each deputy state fire  
3 marshal shall be well-qualified by technical training and  
4 experience in the functions to be performed by the individual.  
5 The state fire marshal may remove any deputy state fire marshal  
6 for cause.

7       **§132-J Salaries and expenses.** Salaries, except the salary  
8 of the state fire marshal, and other expenses of the office  
9 necessary in the performance of its duties and of the state fire  
10 marshal shall be paid in the same manner as the expenses of  
11 other offices of the office of the governor. The salary of the  
12 state fire marshal shall be equal to the salary of the director  
13 of human resources development.

14       **§132-K Recordkeeping.** The office shall keep a record of  
15 all fires occurring in the State and of all facts concerning the  
16 same, including statistics as to the extent of the fires and the  
17 damage caused, whether the losses were covered by insurance, and  
18 if so, in what amount. All the records shall be public, except  
19 information protected from disclosure pursuant to chapter 92F.  
20 The records compiled under this section shall be a compilation



1 of the county fire chiefs' records prepared pursuant to section  
2 132-1(a).

3 **§132-L Community risk reduction program.** (a) The office  
4 shall develop and administer a community risk reduction program  
5 that:

6 (1) Emphasizes education and methods for the prevention of  
7 wildfire risk;

8 (2) Encourages cost-effective hardening and retrofitting  
9 of structures that creates fire-resistant homes,  
10 businesses, and public buildings; and

11 (3) Facilitates vegetation management, the creation and  
12 maintenance of defensible space, and other fuel  
13 modification activities that provide neighborhood or  
14 community-wide benefits against wildfire.

15 (b) The counties may opt into the community risk reduction  
16 program to provide resources and localized knowledge of the  
17 community.

18 (c) The office or counties may contract with educational  
19 or other nonprofit entities to assist with the administration of  
20 the community risk reduction program.



1           **§132-M Community risk reduction special fund.** (a) There  
2 shall be established within the state treasury the community  
3 risk reduction special fund, separate and distinct from the  
4 general fund.

5           (b) The office of the state fire marshal shall be the  
6 agency responsible for administering the community risk  
7 reduction special fund established in subsection (a).

8           (c) The special fund shall consist of all moneys  
9 appropriated to the fund as provided by law and any gifts,  
10 grants, donations, endowments, or bequests from any public or  
11 private source, including individuals and private organizations.

12           (d) The moneys in the special fund shall be appropriated  
13 to the office to carry out community risk reduction, including  
14 financial assistance for the hardening of structures in zones  
15 designated as at high risk of wildfires on the statewide  
16 wildfire hazard map, and the county financial assistance  
17 identified in section 132-L(b).

18           **§132-N State fire marshal; biennial report; deadline;**  
19 **contents.** (a) Beginning with the regular session of 2027, no  
20 later than twenty days before the convening in each odd-numbered  
21 year of a regular session, the office shall submit to the



1 legislature a report regarding the activities of the state fire  
2 marshal and the counties in implementing this chapter.

3 (b) The report shall include, at a minimum:

4 (1) A status report concerning:

5 (A) Community risk reduction; and

6 (B) The establishment, administration, and  
7 enforcement of defensible space requirements;

8 (2) The amount of moneys expended during the previous  
9 fiscal biennium for:

10 (A) Community risk reduction;

11 (B) The establishment, administration, and  
12 enforcement of defensible space requirements; and

13 (C) Fire suppression; and

14 (3) Any recommendations for the state fire marshal for  
15 legislative action, including but not limited to  
16 current or future resource and funding needs for:

17 (A) Community risk reduction; and

18 (B) The establishment, administration, and  
19 enforcement of defensible space requirements.

20 **§132-O Provision of uniforms, response apparatus, motor**  
21 **vehicles, and all emergency supplies and equipment; uniform**



1 **design.** (a) The office shall provide office employees with  
2 standard uniforms, response apparatus, motor vehicles, and all  
3 other emergency supplies and equipment necessary to carry out  
4 the duties of the office.

5 (b) The state fire marshal shall specify a pattern and  
6 distinctive design for the uniforms described in subsection (a).

7 (c) The state fire marshal may enter into agreements with  
8 other governmental agencies for the purpose of resource sharing  
9 of response apparatus, motor vehicles, and all other emergency  
10 supplies and equipment necessary to carry out the fire safety  
11 and prevention laws of the State.

12 **§132-P Minimum defensible space requirements; duties of**  
13 **the state fire marshal; enforcement powers of the counties;**  
14 **assistance to the counties.** (a) With regard to minimum  
15 defensible space requirements, the state fire marshal:

16 (1) Shall consult with the state fire council to establish  
17 minimum defensible space requirements;

18 (2) Shall establish requirements that are consistent with  
19 and do not exceed the standards pertaining to  
20 defensible space in generally accepted evidence-based  
21 codes and standards;



- 1           (3) May consider best practices specific to the State and  
2           traditional and customary practices relating to  
3           defensible space to establish the requirements;
- 4           (4) Shall periodically reexamine generally accepted  
5           evidence-based codes and standards and update the  
6           requirements to reflect the current best practices,  
7           which may be conducted in consultation with the state  
8           fire council;
- 9           (5) Shall enforce the requirements that are applicable to  
10          state lands within the jurisdiction of a county;
- 11          (6) Shall adopt rules governing administration of the  
12          requirements;
- 13          (7) May develop, in consultation with the state fire  
14          council, a graduated fine structure for the counties'  
15          use in assessing civil penalties on property owners  
16          for noncompliance with the requirements;
- 17          (8) Shall consult with stakeholders, such as the counties,  
18          on implementation of the requirements; and
- 19          (9) May adopt rules concerning requirements by the  
20          counties as described in subsection (b).



1 (b) Each county fire chief may adopt and enforce local  
2 requirements for defensible space that are greater than the  
3 minimum defensible space requirements established by the state  
4 fire marshal. Any local requirements that a county fire chief  
5 adopts for defensible space shall be defensible space standards  
6 selected from the framework set forth in generally accepted  
7 evidence-based codes or standards or other best practices suited  
8 to the State.

9 (c) The office may provide financial, administrative,  
10 technical, or other assistance to a county to facilitate the  
11 administration and enforcement of the minimum defensible space  
12 requirements within the jurisdiction of the county. The county  
13 shall expend financial assistance provided by the state fire  
14 marshal under this subsection to give priority to the creation  
15 of defensible space:

16 (1) On lands where members of socially and economically  
17 vulnerable communities, persons with limited  
18 proficiency in English, and persons of lower income  
19 reside;

20 (2) For critical or emergency infrastructure; and



1 (3) For schools, hospitals, and facilities that serve  
2 seniors.

3 **§132-Q Statewide wildfire hazard map.** (a) The office  
4 shall oversee the development and maintenance of a comprehensive  
5 statewide wildfire hazard map that displays the wildfire hazard  
6 zones described in subsection (c).

7 (b) The purposes of the statewide wildfire hazard map  
8 shall be to:

9 (1) Educate Hawaii residents and property owners about the  
10 residents' and property owners' wildfire exposure by  
11 providing transparent and science-based information;

12 (2) Assist in prioritizing fire adaptation and mitigation  
13 resources for the most vulnerable locations; and

14 (3) Identify where defensible space standards and  
15 structure hardening codes will apply.

16 (c) There shall be three statewide wildfire hazard zones:  
17 low, moderate, and high, which shall be based on weather,  
18 climate, topography, and vegetation. The state fire marshal  
19 shall determine the hazard values for the low, moderate, and  
20 high wildfire hazard zones and shall assign a numerical value  
21 describing the likelihood and intensity of a wildfire, based on



1 specific factors or conditions of weather, climate, topography,  
2 and vegetation, as modeled for a given pixel. The state fire  
3 marshal's determination shall be determined using a  
4 statistically objective methodology. The state fire marshal's  
5 determination shall be publicly posted on the office's website  
6 and provided on the statewide wildfire hazard map at the time of  
7 its publication. The state fire marshal's determination shall  
8 be re-evaluated on an annual basis.

9 (d) The office shall ensure that the statewide wildfire  
10 hazard map is publicly available in electronic form on its  
11 website and shall be available upon request in electronic form  
12 at no cost.

13 (e) The statewide wildfire hazard map shall:

- 14 (1) Be based on the wildfire hazard zones;
- 15 (2) Be sufficiently detailed to allow the assessment of  
16 wildfire hazard at the property-ownership level;
- 17 (3) Include a layer that geospatially displays the  
18 locations of socially and economically vulnerable  
19 communities;
- 20 (4) Be completed and released expeditiously, following the  
21 collaboration described in subsection (g); and



- 1 (5) Be offered in the languages spoken throughout the
- 2 State, as practicable.
- 3 (f) The statewide wildfire hazard map shall be developed:
- 4 (1) Using current, peer-reviewed data sets when
- 5 calculating wildfire hazard;
- 6 (2) Calculating wildfire hazard as a combined hazard
- 7 rating value incorporating annual burn probability and
- 8 wildfire intensity;
- 9 (3) Utilizing the most representative fuel characteristics
- 10 practical; and
- 11 (4) To include a layer that geospatially displays the
- 12 locations of socially and economically vulnerable
- 13 communities.
- 14 (g) There shall be community engagement in the process of
- 15 developing the statewide wildfire hazard map that:
- 16 (1) May include the state fire council, other state
- 17 agencies, local governments, other public bodies, and
- 18 any other information sources that the state fire
- 19 marshal deems appropriate;
- 20 (2) Ensures, through the use of clear language, graphics,
- 21 visuals, and examples, that the underlying criteria



1 for assigning hazard zones are publicly available and  
2 comprehensible to a public audience; and

3 (3) Is interactive and does not consist solely of  
4 delivering information in a top-down manner.

5 (h) When the draft map is developed, it shall be released  
6 but before final publication of the map occurs, the office shall  
7 accept public comment on the map for a period not exceeding  
8 sixty days.

9 (i) In maintaining the statewide wildfire hazard map, the  
10 office shall make technical adjustments as needed and update the  
11 map consistent with the results of appeals as described in  
12 subsection (l).

13 (j) State agencies and the counties shall, as appropriate,  
14 use the map layer described in subsection (e)(3) to direct  
15 resources for wildfire hazard reduction and wildfire resiliency  
16 to those most in need and assist with identifying communities  
17 for extensive, targeted engagement and outreach related to  
18 wildfire hazard reduction and wildfire resiliency.

19 (k) Using the statewide wildfire hazard map developed  
20 pursuant to this section, the counties shall conduct outreach:



- 1           (1) In partnership with community leaders and community-  
2                    based organizations;
- 3           (2) By using different media;
- 4           (3) By disseminating information through local schools,  
5                    stores, faith-based organizations, and medical  
6                    offices; and
- 7           (4) By offering all information in the languages spoken in  
8                    the relevant community, as practicable.
- 9           (1) The office shall provide notice and information to a  
10           property owner whose property is assigned to the high hazard  
11           zone within the statewide wildfire hazard map about the fact  
12           that the property has been assigned to the high hazard zone, the  
13           effects of the assignment, and how the property owner may appeal  
14           the assignment of the property owner's property to the high  
15           hazard zone. The notice and information provided to a property  
16           owner shall be on a standard form, as prepared by the office.
- 17           (m) The office shall adopt rules, pursuant to chapter 91,  
18           that:
  - 19               (1) Allow affected property owners and local governments  
20                    to appeal the assignment of properties to the wildfire  
21                    hazard zones after the map is developed, after any



1 updates to the map, and within a reasonable time after  
2 delivery of the notice and information described in  
3 subsection (k); and

4 (2) Provide that assignments of properties to the high  
5 hazard zone may be appealed as a contested case, as  
6 described in chapter 91."

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

10 "§132- State fire marshal selection commission;

11 **established.** (a) Beginning January 1, 2026, there is  
12 established the state fire marshal selection commission, which  
13 shall be placed within the department of law enforcement for  
14 administrative purposes.

15 (b) The state fire marshal selection commission:

16 (1) Shall have the authority to appoint and may remove the  
17 state fire marshal;

18 (2) May receive complaints from citizens on the office of  
19 the fire marshal and the state fire marshal;

20 (3) Shall evaluate and conduct an annual performance  
21 review of the state fire marshal;



- 1       (4) Shall post its agenda and minutes on a website;
- 2       (5) Shall be subjected to the state sunshine laws under
- 3             chapter 92; and
- 4       (6) May adopt rules pursuant to chapter 91.
- 5       (c) The state fire marshal selection commission shall
- 6 consist of the following seven members:
- 7       (1) Three members who shall be appointed by the governor
- 8             subject to advice and consent of the senate and shall
- 9             be voting members; provided that for the initial year,
- 10            one member shall serve a one-year term, one member
- 11            shall serve a two-year term, and one member shall
- 12            serve a three-year term; provided further that after
- 13            the initial term, each of the members may serve up to
- 14            two consecutive terms for up to eight years with each
- 15            term being four years;
- 16       (2) One member who shall be appointed by the speaker of
- 17            the house and shall be a voting member; provided that
- 18            the member shall serve an initial term of four years
- 19            and may serve up to two consecutive terms for up to
- 20            eight years with each term being four years;



- 1           (3) One member who shall be appointed by the president of  
2           the senate and shall be a voting member; provided that  
3           the member shall serve an initial term of four years;  
4           provided further that the member may serve up to two  
5           consecutive terms for up to eight years with each term  
6           being four years;
- 7           (4) The chair of the Hawaii state fire council or the  
8           chair's designee, who shall be an ex officio,  
9           nonvoting member; and
- 10          (5) The adjutant general of the Hawaii national guard or  
11          the adjutant general's designee, who shall be an ex  
12          officio, nonvoting member.
- 13          (d) All members of the state fire marshal selection  
14          commission, both voting and nonvoting, shall elect a chairperson  
15          and a vice chairperson of the commission; provided that the  
16          chairperson is not an ex officio member.
- 17          (e) Any action taken by the state fire marshal selection  
18          commission shall be approved by a simple majority of its  
19          members; provided that a majority of the members of the  
20          commission shall constitute a quorum to do business.



1 (f) The members of the state fire marshal selection  
2 commission shall serve without compensation but shall be  
3 reimbursed for necessary expenses, including travel expenses,  
4 reasonably incurred in the performance of their duties."

5 SECTION 5. Section 76-16, Hawaii Revised Statutes, is  
6 amended by 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 established and embrace all personal services performed for the  
10 State, except the following:

- 11 (1) Commissioned and enlisted personnel of the Hawaii  
12 national guard and positions in the Hawaii national  
13 guard that are required by state or federal laws or  
14 regulations or orders of the National Guard to be  
15 filled from those commissioned or enlisted personnel;
- 16 (2) Positions filled by persons employed by contract where  
17 the director of human resources development has  
18 certified that the service is special or unique or is  
19 essential to the public interest and that, because of  
20 circumstances surrounding its fulfillment, personnel  
21 to perform the service cannot be obtained through



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



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  
4 judge of the district court of the first circuit; and  
5 one private secretary for the administrative director  
6 of the courts, the deputy administrative director of  
7 the courts, each department head, each deputy or first  
8 assistant, and each additional deputy, or assistant  
9 deputy, or assistant defined in paragraph (16);

10 (10) First deputy and deputy attorneys general, the  
11 administrative services manager of the department of  
12 the attorney general, one secretary for the  
13 administrative services manager, an administrator and  
14 any support staff for the criminal and juvenile  
15 justice resources coordination functions, and law  
16 clerks;

17 (11) (A) Teachers, principals, vice-principals, complex  
18 area superintendents, deputy and assistant  
19 superintendents, other certificated personnel,  
20 and no more than twenty noncertificated



1 administrative, professional, and technical  
2 personnel not engaged in instructional work;  
3 (B) Effective July 1, 2003, teaching assistants,  
4 educational assistants, bilingual or 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 or 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~~  
17 university] of Hawaii, including research workers,  
18 extension agents, personnel engaged in  
19 instructional work, and administrative,  
20 professional, and technical personnel of the  
21 university;



- 1       (12) Employees engaged in special, research, or
- 2             demonstration projects approved by the governor;
- 3       (13) (A) Positions filled by inmates, patients of state
- 4             institutions, and 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 custodian or guide at Iolani Palace, the Royal
- 21            Mausoleum, and Hulihee Palace;



- 1           (15) Positions filled by persons employed on a fee,  
2                   contract, or piecework basis, who may lawfully perform  
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 of corrections and  
15 rehabilitation, with the approval of the governor; two  
16 administrative assistants to the state librarian; and  
17 an administrative assistant to the superintendent of  
18 education;

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



- 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~~] 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 no more  
21 than twenty-six per cent of the authority's workforce



- 1 in any housing project maintained or operated by the  
2 authority shall be hired under the tenant hire  
3 program;
- 4 (22) Positions of the federally funded expanded food and  
5 nutrition program of the [~~University~~] university of  
6 Hawaii that require the hiring of nutrition program  
7 assistants who 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;
- 12 (24) The sheriff;
- 13 (25) A gender and other fairness coordinator hired by the  
14 judiciary;
- 15 (26) Positions in the Hawaii national guard youth and adult  
16 education programs;
- 17 (27) In the Hawaii state energy office in the department of  
18 business, economic development, and tourism, all  
19 energy program managers, energy program specialists,  
20 energy program assistants, and energy analysts;



- 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, community or  
14 project development director, policy director, special  
15 assistant to the director, and limited English  
16 proficiency project manager or coordinator;
- 17 (31) The Alzheimer's disease and related dementia services  
18 coordinator in the executive office on aging;
- 19 (32) In the Hawaii emergency management agency, the  
20 executive officer, public information officer, civil  
21 defense administrative officer, branch chiefs, and



1 emergency operations center state warning point  
2 personnel; provided that for state warning point  
3 personnel, the director shall determine that  
4 recruitment through normal civil service recruitment  
5 procedures would result in delay or noncompliance;  
6 (33) The executive director and seven full-time  
7 administrative positions of the school facilities  
8 authority;  
9 (34) Positions in the Mauna Kea stewardship and oversight  
10 authority;  
11 (35) In the office of homeland security of the department  
12 of law enforcement, the statewide interoperable  
13 communications coordinator;  
14 (36) In the social services division of the department of  
15 human services, the business technology analyst;  
16 (37) The executive director and staff of the 911 board;  
17 [+] (38) [+] Senior software developers in the department of  
18 taxation;  
19 [+] (39) [+] In the department of law enforcement, five Commission  
20 on Accreditation for Law Enforcement Agencies, Inc.,  
21 coordinator positions;



1   [+] (40) [+] The state fire marshal[+] and deputy state fire  
2                   marshal in the office of the state fire marshal; and  
3   [+] (41) [+] The administrator for the law enforcement standards  
4                   board.

5           The director shall determine the applicability of this  
6   section to specific positions.

7           Nothing in this section shall be deemed to affect the civil  
8   service status of any incumbent as it existed on July 1, 1955."

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

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



1 (b) Investigations, generally. The fire chief of each  
2 county shall:

3 (1) Investigate the cause, origin, and circumstances of  
4 fires;

5 (2) Supervise and make or cause to be made [~~periodically~~],  
6 on a biennial basis, a thorough inspection record of  
7 all property [~~which~~] that might constitute a fire  
8 hazard within the county[~~+~~] pursuant to subsection  
9 (c);

10 (3) Summon and compel the attendance of witnesses and  
11 production of evidence and hold hearings and make  
12 orders in any matter under the fire chief's  
13 jurisdiction; and

14 (4) Cooperate with [~~any and~~] all other governmental  
15 officers or agencies having jurisdiction in the  
16 matters.

17 (c) On January 1 of each year, the fire chief of each  
18 county shall transmit the records and statistical investigations  
19 compiled pursuant to subsection (a) to the office of the state  
20 fire marshal. On January 1 of each alternating year, the fire  
21 chief of each county shall transmit the inspection record of



1 property that may constitute a fire hazard within their county  
2 compiled pursuant to subsection (b)(2) to the office of the  
3 state fire marshal."

4 SECTION 7. Section 132-4, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 **"§132-4 Investigation of fires; criminal prosecutions.**

7 The fire chief of the county in which any fire occurs shall  
8 immediately investigate the cause, origin, and circumstances of  
9 fire by which property has been destroyed or damaged and so far  
10 as possible determine whether the fire was the result of  
11 carelessness or design. A county fire chief may request the  
12 office of the state fire marshal to assist with the  
13 investigation of a fire as provided in section 132-C.

14 If after any investigation the county fire chief is of the  
15 opinion that the evidence in relation to the fire indicates that  
16 a crime has been committed, the fire chief shall present the  
17 evidence to the prosecuting [~~officer~~] attorney of the county in  
18 which the supposed offense was committed, with the request that  
19 the prosecuting [~~officer~~] attorney institute [~~such~~] criminal  
20 proceedings as the evidence may warrant.



1       If the office of the state fire marshal is of the opinion  
2 that the evidence in relation to a fire indicates that a crime  
3 has been committed, the office of the state fire marshal shall  
4 coordinate with the relevant county fire chief to present the  
5 evidence to the prosecuting attorney of the county in which the  
6 supposed offense was committed."

7       SECTION 8. Section 132-4.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9       "~~{}~~§132-4.5~~{}~~ **Investigation of fires; immunity for**  
10 **information received from insurers.** (a) The fire chief of each  
11 county or the state fire marshal may require any insurer in  
12 writing to release information relating to any investigation the  
13 insurer has made concerning a loss or potential loss due to fire  
14 of suspicious or incendiary origin which information shall  
15 include but not be limited to:

- 16       (1) An insurance policy relating to ~~such~~ the loss;  
17       (2) Policy premium records;  
18       (3) History of previous claims; and  
19       (4) Other relevant material relating to ~~such~~ the loss or  
20       potential loss.



1 (b) If any insurer has reason to suspect that a fire loss  
2 to its insured's real or personal property was caused by  
3 incendiary means, the insurer shall furnish the county fire  
4 chief or state fire marshal with all relevant material acquired  
5 during its investigation of the fire loss, cooperate with and  
6 take [~~such~~] action as may be required of it by the county fire  
7 chief[~~r~~] or state fire marshal, and permit any person ordered by  
8 the court to inspect any of its records pertaining to the policy  
9 and the loss. [~~Such~~] The insurer may request the county fire  
10 chief or state fire marshal to release information relating to  
11 any investigation the fire chief or state fire marshal has made  
12 concerning any [~~such~~] fire loss of suspicious or incendiary  
13 origin.

14 (c) In the absence of fraud, malice, or criminal act, no  
15 insurer or person who furnishes information on its behalf, shall  
16 be liable for damages in a civil action or be subject to  
17 criminal prosecution for any oral or written statement made that  
18 is necessary to supply information required pursuant to this  
19 section.

20 (d) The county fire chief or state fire marshal receiving  
21 any information furnished pursuant to this section shall hold



1 the information in confidence until [~~such time as~~] its release  
2 is required in furtherance of a criminal or civil proceeding.

3 (e) The county fire chief, in person or by officers or  
4 members of the fire chief's fire department, or the state fire  
5 marshal, in person or by deputies or employees of the office of  
6 the state fire marshal, may be required to testify as to any  
7 information in the fire chief's or state fire marshal's  
8 possession regarding the fire loss of real or personal property  
9 in any civil action in which any person seeks recovery under a  
10 policy against any insurance company for the fire loss."

11 SECTION 9. Section 132-5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§132-5 Right of entry for inspection; unlawful to**  
14 **obstruct.** The county fire chief [~~or~~], the chief's designees,  
15 the state fire marshal, or the state fire marshal's designees,  
16 at all reasonable hours may enter any buildings, structures, or  
17 premises within the fire chief's or state fire marshal's  
18 jurisdiction, respectively, except the interior of private  
19 dwellings, to make any inspection, investigation, or examination  
20 that is authorized to be made under this chapter. The county  
21 fire chief [~~or~~], the chief's designees, the state fire marshal,



1 or the state fire marshal's designees may enter any private  
2 dwelling whenever the fire chief [~~or~~], the chief's designees,  
3 the state fire marshal, or the state fire marshal's designees  
4 have reason to believe that dangerous conditions creating a fire  
5 hazard exist in the dwelling. The county fire chief [~~or~~], the  
6 chief's designees, the state fire marshal, or the state fire  
7 marshal's designees may enter any private dwelling when a fire  
8 has occurred in the dwelling. It shall be unlawful to obstruct,  
9 hinder, or delay any person having the right to make the  
10 inspection, investigation, or examination in the performance of  
11 duty.

12 The county fire chief [~~or~~], the chief's designees [~~are~~  
13 ~~authorized to make an inspection of~~], the state fire marshal, or  
14 the state fire marshal's designees may inspect all buildings and  
15 facilities, except state-owned airport facilities, the frequency  
16 of which shall be made in accordance with section 132-6, and  
17 shall make a report to the authorities responsible for the  
18 maintenance of any building or facility when it is found that a  
19 building or facility does not meet minimum standards of fire and  
20 safety protection."



1 SECTION 10. Section 132-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§132-6 Duties of county fire chiefs; periodic**  
4 **inspections; orders to remove fire hazards; appeals.** (a) Each  
5 county fire chief, in person or by officers or members of the  
6 fire chief's fire department designated by the fire chief for  
7 that purpose, shall inspect all buildings, premises, and public  
8 thoroughfares, except the interiors of private dwellings and  
9 ~~[state-owned airport]~~ state facilities, for the purpose of  
10 ascertaining and causing to be corrected any conditions liable  
11 to cause fire or any violation of any law, ordinance, rule, or  
12 order relating to fire hazard or to the prevention of fires.

13 (b) The inspection shall be made[+  
14 ~~(1) At least once each year at all public schools; and~~  
15 ~~(2) At] at least once every five years, or as often as  
16 deemed practicable or necessary by the county fire  
17 chief, at all other buildings and premises to provide  
18 fire prevention and pre-fire planning within the  
19 jurisdiction of the county fire chief.~~



1 The [~~State~~] office of the state fire marshal shall conduct fire  
2 and safety inspections at all [~~state-owned airport~~] state  
3 facilities at least once a year.

4 (c) A written report of each inspection shall be kept on  
5 file in the office of the county fire chief.

6 (d) A copy of any report showing a change in the hazard or  
7 any violation of law, ordinance, rule, or order relating to the  
8 fire hazard upon any risk, shall be given by the county fire  
9 chief to any rating bureau making written request of the fire  
10 chief therefor.

11 (e) Each county fire chief [~~is~~] shall be vested with the  
12 power and jurisdiction over, and shall have supervision of,  
13 every building and premises in the county as may be necessary to  
14 enforce any law, ordinances, rule, and order relating to  
15 protection from fire loss; provided that this provision shall  
16 not in any manner limit the jurisdiction or authority [~~which~~]  
17 that any other county official may have over [~~such~~] the building  
18 or premises under any other law or ordinance. Whenever as a  
19 result of inspection or upon complaint or otherwise the county  
20 fire chief determines that a law, ordinance, rule, or order  
21 relating to protection from fire loss has been violated or that



1 a condition exists [~~which~~] that creates an unreasonable risk of  
2 fire loss, the fire chief shall prepare and serve upon the  
3 owner, occupant, or other person responsible for the building or  
4 premises a written order setting forth the nature of the alleged  
5 violation or condition, the law, ordinance, rule, or order  
6 violated, and the protections, safeguards, or other means or  
7 methods required to render the building or premises safe as  
8 required by law, ordinance, or rule. The order shall be  
9 complied with by the owner or occupant or person responsible for  
10 the building or premises within the time therein specified  
11 unless a timely appeal is taken pursuant to subsection (f) [~~of~~  
12 ~~this section~~].

13 (f) Owner's appeal to county fire appeals board. The  
14 owner or occupant may, within five days, appeal from any order  
15 made by the county fire chief to the county fire appeals board,  
16 which shall, within thirty days, and after a hearing pursuant to  
17 chapter 91, review the order and file its decision thereon,  
18 modifying, affirming, or revoking the order. Each county shall  
19 by ordinance establish a county fire appeals board and shall  
20 provide for its composition.



1 (g) Notwithstanding the provisions of subsection (e) [~~of~~  
2 ~~this section~~] where the county fire chief determines that a  
3 clear and immediate risk of fire loss exists, the fire chief  
4 may, after notice to the owner or occupant or other person  
5 responsible for the building or premises, and after a hearing  
6 pursuant to chapter 91, order [~~such~~] the person to take all  
7 actions reasonably necessary to render the building or premises  
8 safe from fire loss; provided that no notice or hearing shall be  
9 required where the county fire chief determines that the risk of  
10 fire loss is sufficiently immediate that delay would be  
11 dangerous to the public safety and welfare. If any owner,  
12 occupant, or other person responsible for the building or  
13 premises fails to comply with the order of the county fire  
14 chief, the county fire chief may take [~~such~~] action and make  
15 [~~such~~] any expenditure as may be necessary and if the owner,  
16 occupant, or other person responsible neglects or refuses to pay  
17 to the county fire chief the expense incurred by the fire chief,  
18 the county shall have a prior lien on the real property as  
19 provided for in section 132-7."

20 SECTION 11. Section 132-10, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§132-10 Witnesses; fees.** The county fire appeals board  
2 ~~[or]~~, the county fire chief, or the state fire marshal shall in  
3 all proceedings have the same powers respecting administering  
4 oaths, compelling the attendance of witnesses and the production  
5 of documentary evidence, and examining witnesses as are  
6 possessed by circuit courts. In case of disobedience by any  
7 person of any order of the county fire appeals board ~~[or]~~, the  
8 county fire chief, or the state fire marshal or of any subpoena  
9 issued by ~~[either]~~ any of them or of the refusal of any witness  
10 to testify to any matter regarding which the witness may be  
11 questioned lawfully, any circuit judge, on application by the  
12 county corporation counsel, shall compel obedience as in case of  
13 disobedience of all requirements of a subpoena issued from a  
14 circuit court or a refusal to testify therein. The fees and  
15 traveling expenses of witnesses shall be the same as are allowed  
16 witnesses in the circuit courts and shall be paid by the  
17 appropriate county out of any appropriation or funds available  
18 for the expenses of the county fire chief~~[or]~~ or, in the case of  
19 a summons by the state fire marshal, shall be paid out of any  
20 appropriation or funds available for the expenses of the state  
21 fire marshal."



1 SECTION 12. Section 132-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§132-11 Recorded order of county fire chiefs and state  
4 fire marshal as evidence. A duplicate original of every order  
5 made by each county fire chief shall be filed in the fire  
6 chief's office, ~~and~~ and [such] a duplicate original of every order  
7 made by the state fire marshal shall be filed in the office of  
8 the state fire marshal. A duplicate original shall be  
9 admissible as evidence in any prosecution for the violation of  
10 any of its provisions. Unless an appeal has been instituted and  
11 is pending, the provisions of any order shall be presumed to be  
12 reasonable and lawful and to fix a reasonable and proper  
13 standard and requirement of safety from fire loss."

14 SECTION 13. Section 132-12, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§132-12 Court aid. Each county fire chief or the state  
17 fire marshal may invoke the aid of any court of competent  
18 jurisdiction to enforce any order or action made or taken by the  
19 fire chief or state fire marshal in pursuance of law."

20 SECTION 14. Section 132-13, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§132-13 Penalty.** Any owner, occupant, or other person  
2 having control over or charge of any building, structure, or  
3 other premises who violates any provision of this chapter or any  
4 law, ordinance, or rule relating to protection from fire loss or  
5 who fails or refuses to comply with any order of the county fire  
6 chief or any order of the state fire marshal shall be fined no  
7 more than \$2,500 or imprisoned no more than thirty days, or  
8 both. Each day that a violation exists or continues to exist  
9 shall constitute a distinct and separate offense for which the  
10 violator may be punished. Penalties for continuing violations  
11 shall be assessed from the earliest known date of the violation.  
12 In addition to the penalty imposed under this section, counties  
13 may assess and collect civil penalties based on the penalty  
14 structure set forth by the state fire marshal pursuant to  
15 section 132-P."

16           SECTION 15. Section 132-16, Hawaii Revised Statutes, is  
17 amended by amending subsections (a) through (c) to read as  
18 follows:

19           "(a) There [~~is~~] shall be established a state fire council,  
20 which shall be placed within the [~~department of labor and~~  
21 ~~industrial relations~~] department of law enforcement for



1 administrative purposes. The state fire council shall consist  
2 of the state fire marshal, the fire chiefs of the counties, the  
3 fire chief of the Hawaii state aircraft rescue fire fighting  
4 unit, and a representative of the division of forestry and  
5 wildlife of the department of land and natural resources. The  
6 state fire council may appoint an advisory committee to assist  
7 it in carrying out its functions under this chapter. The  
8 advisory committee may include the heads of the various county  
9 building departments, a licensed architect recommended by the  
10 Hawaii Society of the American Institute of Architects, a  
11 licensed electrical engineer and a licensed mechanical engineer  
12 recommended by the Consulting Engineers Council of Hawaii, a  
13 representative of the Hawaii Rating Bureau, a representative of  
14 the Hawaii Fire Fighters Association, representatives of the  
15 county fire departments, a representative of the Hawaii state  
16 aircraft rescue fire fighting unit, a representative of the  
17 division of forestry and wildlife of the department of land and  
18 natural resources, and other members of the public as the state  
19 fire council may determine can best assist it. The state fire  
20 council shall elect a chairperson from among its members.



1 (b) In addition to adopting a state fire code pursuant to  
2 section 132-3, the state fire council shall:

3 (1) Administer the requirements for reduced ignition  
4 propensity cigarettes, in accordance with chapter  
5 132C;

6 (2) Serve as a focal point through which all applications  
7 to the federal government for federal grant assistance  
8 for fire-related projects shall be made. Upon the  
9 receipt of any [~~such~~] federal grants, the state fire  
10 council shall administer those federal grants;

11 [~~(3) Establish the terms of employment for the position of  
12 the state fire marshal; and~~

13 ~~(4) Appoint the state fire marshal.]~~

14 (3) Advise the governor and state fire marshal on fire  
15 policy issues and serve in an advisory capacity to the  
16 state fire marshal on strategies for the  
17 implementation of fire and life safety issues; and

18 (4) Coordinate with the state building code council on  
19 matters pertaining to fire safety.

20 (c) The state fire council may also:



- 1           (1) Appoint advisory committees comprising representatives  
2           from each county fire department, a representative of  
3           the Hawaii state aircraft rescue fire fighting unit,  
4           and a representative of the division of forestry and  
5           wildlife of the department of land and natural  
6           resources to assist in drafting the state fire code  
7           and coordinating statewide training, data collection,  
8           and contingency planning needs for firefighters;
- 9           (2) Advise and assist the county and state fire  
10          departments where appropriate; may prescribe standard  
11          procedures and forms relating to inspections,  
12          investigations, and reporting of fires; may approve  
13          plans for cooperation among the county and state fire  
14          departments; and may advise the governor and the  
15          legislature with respect to fire prevention and  
16          protection, life safety, and any other functions or  
17          activities for which the various county and state fire  
18          departments are generally responsible; [~~and~~]
- 19          (3) Establish, in conformance with the adopted state fire  
20          code and nationally recognized standards, statewide  
21          qualifications and procedures, to be administered by



1 the county fire departments, for testing, certifying,  
2 and credentialing individuals who perform maintenance  
3 and testing of portable fire extinguishers,  
4 water-based fire protection systems, other fire  
5 protection systems, private fire hydrants, and fire  
6 alarm systems; provided that the county fire  
7 departments may establish and charge reasonable  
8 certification fees[-];

9 (4) Review any conflicts that may arise in the adoption,  
10 amendment, or implementation of the state fire codes  
11 at the state and county levels or in the adoption,  
12 amendment, or implementation of rules proposed or  
13 adopted by the office or the counties pursuant to this  
14 chapter; and

15 (5) The state fire council may adopt rules pursuant to  
16 chapter 91 for purposes of this section."

17 SECTION 16. Section 291C-1, Hawaii Revised Statutes, is  
18 amended by amending the definition of "authorized emergency  
19 vehicle" to read as follows:

20 ""Authorized emergency vehicle" includes fire department  
21 vehicles, police vehicles, ambulances, ocean safety vehicles,



1 law enforcement vehicles, [~~and~~] conservation and resources  
2 enforcement vehicles, and office of the state fire marshal  
3 vehicles authorized and approved pursuant to section 291-31.5  
4 that are publicly owned and other publicly or privately owned  
5 vehicles designated as such by a county council."

6 SECTION 17. Section 132-16.5, Hawaii Revised Statutes, is  
7 repealed.

8 ~~["§132-16.5] Office of the state fire marshal;~~  
9 ~~established.~~ (a) ~~There is established the office of the state~~  
10 ~~fire marshal within the department of labor and industrial~~  
11 ~~relations. The office shall be headed by a state fire marshal,~~  
12 ~~who shall be appointed by the state fire council to serve for a~~  
13 ~~term of five years. The appointment of the state fire marshal~~  
14 ~~shall be made without regard to chapters 76 and 89, and shall~~  
15 ~~not be subject to the advice and consent of the senate. In the~~  
16 ~~event of a vacancy, the state fire council shall meet~~  
17 ~~expeditiously to select and appoint a new state fire marshal to~~  
18 ~~serve the remainder of the unexpired term. The state fire~~  
19 ~~marshal may hire staff as necessary.~~

20 (b) ~~The state fire marshal shall have the qualifications,~~  
21 ~~experience, and expertise in fire safety, prevention, and~~



1 ~~control necessary to successfully perform the duties of the~~  
2 ~~position.~~

3 ~~(c) The duties of the state fire marshal shall include but~~  
4 ~~not be limited to:~~

5 ~~(1) Coordinating fire protection efforts between local~~  
6 ~~agencies for the State;~~

7 ~~(2) Working with the state fire council on matters~~  
8 ~~relating to fire services in the State;~~

9 ~~(3) Working with state and county law enforcement agencies~~  
10 ~~for enforcement of the state fire code;~~

11 ~~(4) Reviewing and assessing the fire risk of the State;~~

12 ~~(5) Reviewing and proposing amendments to the state fire~~  
13 ~~code and submitting the proposed amendments to the~~  
14 ~~state fire council for the state fire council's~~  
15 ~~consideration in its adoption of or amendments to the~~  
16 ~~state fire code;~~

17 ~~(6) Reviewing the emergency resources that are available~~  
18 ~~in the State to be deployed to address fires;~~

19 ~~(7) Assessing whether the State would benefit from a~~  
20 ~~statewide public fire safety messaging program;~~



- 1       ~~(8) Assisting in the investigation of fires when requested~~  
2           ~~by a county;~~
- 3       ~~(9) Conducting inspections of state buildings and~~  
4           ~~facilities to ensure fire safety compliance;~~
- 5       ~~(10) Providing and coordinating public education and~~  
6           ~~awareness on fire safety;~~
- 7       ~~(11) Overseeing the training and certification of fire~~  
8           ~~inspectors and investigators in the State;~~
- 9       ~~(12) Maintaining records of all fires in the State,~~  
10           ~~including the causes and circumstances;~~
- 11       ~~(13) Assisting in the disbursement of federal grants for~~  
12           ~~structural fire protection purposes to the counties;~~  
13           ~~and~~
- 14       ~~(14) Performing other duties as necessary or delegated by~~  
15           ~~the state fire council.~~
- 16       ~~(d) In carrying out the duties of this section, the state~~  
17       ~~fire marshal may utilize the services of the state fire council,~~  
18       ~~including its advisory committees and administrative staff, as~~  
19       ~~appropriate." ]~~

20           SECTION 18. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$                   or so much



1 thereof as may be necessary for fiscal year 2025-2026 and the  
2 same sum or so much thereof as may be necessary for fiscal year  
3 2026-2027 for one full-time equivalent (1.0 FTE) position in the  
4 office of the state fire marshal.

5 The sums appropriated shall be expended by the department  
6 of law enforcement for the purposes of this Act.

7 SECTION 19. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so much  
9 thereof as may be necessary for fiscal year 2025-2026 and the  
10 same sum or so much thereof as may be necessary for fiscal year  
11 2026-2027 to be deposited into the community risk reduction  
12 special fund.

13 SECTION 20. There is appropriated out of the community  
14 risk reduction special fund the sum of \$ or so much  
15 thereof as may be necessary for fiscal year 2025-2026 and the  
16 same sum or so much thereof as may be necessary for fiscal year  
17 2026-2027 for the operations and work of the office of the state  
18 fire marshal.

19 The sums appropriated shall be expended by the department  
20 of law enforcement for the purposes of this Act.

21



1 SECTION 21. Notwithstanding the establishment of the state  
2 fire marshal selection commission on January 1, 2026, pursuant  
3 to the new section being added to chapter 132, Hawaii Revised  
4 Statutes, in section 4 of this Act, the term of employment of  
5 any person occupying the state fire marshal position on January  
6 1, 2026, shall not be affected.

7 SECTION 22. In codifying the new sections added by  
8 section 2 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

11 SECTION 23. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 24. This Act shall take effect on July 1, 2050.



**Report Title:**

DLE; State Fire Marshal; State Fire Council; State Fire Codes;  
State Fire Marshal Selection Commission; Reports; Appropriations

**Description:**

Effectuates the recommendations of the "Phase 3" Forward-Looking Report by Fire Safety Research Institute on the 2023 Maui wildfires and further clarifies the appointment and role of the State Fire Marshal. Establishes the Office of the State Fire Marshal in the Department of Law Enforcement. Establishes the State Fire Marshal Selection Commission. Requires reports to the Legislature. Appropriates funds. Effective 7/1/2050.  
(SD2)

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

