

STAND. COM. REP. NO. 1155

Honolulu, Hawaii

MAR 19 2025

RE: H.B. No. 1064
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Public Safety and Military Affairs and Labor and Technology, to which was referred H.B. No. 1064, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Effectuate the recommendations of the "Phase 3" Forward-Looking Report by Fire Safety Research Institute on the August 2023 Maui wildfires and further clarify the role of the State Fire Marshal; and
- (2) Appropriate funds.

Your Committees received testimony in support of this measure from the Department of the Attorney General, Department of Defense, Hawaii State Fire Council, Hawai'i Climate Advisory Team, Honolulu Fire Department, Hawaii Insurers Council, Hawaiian Electric, AARP Hawai'i, and Kamehameha Schools.

Your Committees received comments on this measure from the Office of the Governor, Department of Labor and Industrial Relations, Department of Land and Natural Resources, and Land Use Research Foundation of Hawaii.



Your Committees find that the devastating 2023 Maui wildfires exposed significant vulnerabilities and inadequacies in the State's ability to prepare for and respond to wildfires, with one of the greatest vulnerabilities being the current lack of a State Fire Marshal. While the Legislature created the position of State Fire Marshal in 2024, the position has not yet been filled and has no staff, budget, or office. Establishing a fully functional state fire marshal office was named the second highest priority in the Fire Safety Research Institute's "Phase 3" forward-looking report of actions to improve the State's response to wildfires.

Your Committees further find that this measure will address the State's vulnerabilities by implementing priorities outlined in the "Phase 3" forward-looking report, including establishing the Office of the State Fire Marshal. This measure will also clarify the functions, placement, selection process, and authority of the Office of the State Fire Marshal.

Your Committees note the concerns raised in the testimony provided at the public hearing on this measure regarding the administrative placement of the Office of the State Fire Marshal.

Accordingly, your Committees have amended this measure by:

- (1) Adding a definition for "structure hardening" for purposes of the Office of the State Fire Marshal;
- (2) Establishing the Office of the State Fire Marshal permanently in the State Department of Defense rather than temporarily in the Governor's Office;
- (3) Specifying that the Office of the State Fire Marshal may engage with the Insurance Commissioner, rather than insurance companies, regarding insurance policy coverage provisions, underwriting standards, insurance rates, and other insurance-rated topic relevant to enhancing the protection of property from wildfire at a reasonable cost;
- (4) Renaming the title of section 132-G, Hawaii Revised Statutes, as "utilization of firefighting resources";



- (5) Specifying that the terms of employment for the State Fire Marshal, pursuant to section 132-H, Hawaii Revised Statutes, shall be effective until January 1, 2026;
- (6) Specifying that the Office of the State Fire Marshal shall be the agency responsible for administering the Community Risk Reduction Special Fund;
- (7) Clarifying that the moneys in the Community Risk Reduction Special Fund shall consist of all moneys appropriated to the Fund, and any gifts, grants, donations, endowments, or bequests from any public or private source;
- (8) Deleting language that would have provided that there be community engagement in the process of developing the statewide wildfire hazardous map that is coordinated with local partners, including counties, relevant state agencies, and the State Fire Council;
- (9) Removing language that would have established an advisory board within the Office of the State Fire Marshal;
- (10) Adding language that establishes a State Fire Marshal Selection Commission beginning on January 1, 2026, that shall have the authority to appoint and remove the State Fire Marshal, may receive complaints from citizens on the Office of the State Fire Marshal and the State Fire Marshal, shall evaluate and conduct an annual performance review of the State Fire Marshal, and post agenda and minutes on a public website;
- (11) Specifying that the State Fire Council shall coordinate with the State Building Council on matters pertaining to fire safety;
- (12) Specifying that the State Fire Council may review any conflicts that may arise in the adoption, amendment, or implementation of the state fire codes at the state and county levels or in the adoption by the Office or the counties;



- (13) Appropriating funds into and out of the general fund to the Community Risk Reduction Special Fund;
- (14) Adding language appropriating funds from the Community Risk Reduction Special Fund to the Department of Defense for the operations and work of the Office of the State Fire Marshal;
- (15) Amending section 1 to reflect its amended purpose;
- (16) Making technical, nonsubstantive amendments for the purposes of clarity and consistency; and
- (17) Inserting an effective date of July 1, 2077, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Labor and Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1064, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1064, H.D. 2, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

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



HENRY J.C. AQUINO, Chair



BRANDON T.C. BELLANTE, Chair



