THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2645 S.D. 2 Proposed

A BILL FOR AN ACT

RELATING TO FIRE PREVENTION.

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

SECTION 1. Chapter 132, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"**§132- State fire code; county amendments; minimum standards.** (a) The state fire code adopted pursuant to section 132-3 shall constitute the minimum statewide standard for fire and life safety.

(b) No county shall adopt, amend, or enforce any ordinance, rule, or code provision that is less restrictive than the state fire code.

(c) A county may propose amendments to the state fire code only where the amendments are equally or more restrictive than the state fire code and are necessary to address unique local conditions.

(d) All amendments proposed by a county shall be submitted to the office of the state fire marshal for review and approval before adoption or enforcement.

(e) The office of the state fire marshal shall review proposed amendments for consistency with statewide fire and life safety objectives, statutory authority, and nationally recognized standards, and shall approve, approve with conditions, or deny the proposed amendments in writing.

(f) Nothing in this section shall be construed to limit the authority of the office of the state fire marshal to provide technical assistance, guidance, or model amendments to counties.

§132- **State fire and life safety special fund.** (a) There is established in the state treasury the state fire and life safety special fund, which shall be administered by the office of the state fire marshal.

(b) The following shall be deposited into the special fund:

(1) Federal, state, county, and private grants;

(2) Gifts, donations, bequests, and contributions from public or private sources;

(3) Rebates, reimbursements, settlements, or cost recoveries related to fire and life safety activities;

(4) Any interest earned or accrued on the moneys in the special fund; and

(5) Moneys appropriated by the legislature.

(c) Moneys in the special fund shall be expended by the office of the state fire marshal, with the support of the department of law enforcement pursuant to part II of this chapter, for the following purposes:

(1) Fire and life safety code administration, implementation, and enforcement support;

(2) Fire prevention, wildfire mitigation, and community risk reduction programs;

(3) Training, education, certification, and professional development, including scholarships and workforce development initiatives;

(4) Planning, research, data collection, and risk assessments related to fire and life safety;

(5) Public outreach, technical assistance, and intergovernmental coordination; and

(6) Any other purposes consistent with the duties of the office of the state fire marshal.

(d) Expenditures from the special fund shall comply with all applicable state procurement, accounting, and fiscal control laws.

(e) Moneys in the special fund shall not lapse to the general fund at the end of any fiscal year.

(f) The state fire marshal shall include information on deposits to and expenditures from the special fund in the office of the state fire marshal's annual report or other reports required by law."

SECTION 2. Section 132-6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Each county fire chief, in person or by officers or members of the fire chief's fire department designated by the fire chief for that purpose, shall inspect all buildings[~~,~~] and premises, [~~and public thoroughfares,~~] except the interiors of private dwellings and state facilities, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of any law, ordinance, rule, or order relating to fire hazard or to the prevention of fires.

(b) The inspection shall be made at least once every five years, or as often as deemed practicable or necessary by the county fire chief, at all other buildings and premises to provide fire prevention and pre-fire planning within the jurisdiction of the county fire chief. The office of the state

fire marshal shall conduct fire and safety inspections at all state facilities [~~at least once a year.~~] with inspection frequencies not to exceed once every three years, determined by assessed risk and occupancy classification."

SECTION 3. Section 132-39, Hawaii Revised Statutes, is amended to read as follows:

"**[~~[~~]§132-39[~~]~~] State fire marshal [~~selection commission; established.~~] appointment.** [~~(a)~~] Beginning January 1, [~~2026,~~] 2027, [~~there is established the state fire marshal selection commission, which shall be placed within the department of law enforcement for administrative purposes.~~

~~(b) The state fire marshal selection commission:~~

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

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

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

~~(4) Shall post its agenda and minutes on a website;~~

~~(5) Shall be subjected to the state sunshine laws under chapter 92; and~~

~~(6) May adopt rules pursuant to chapter 91.~~

~~(c) The state fire marshal selection commission shall consist of the following seven members:~~

~~(1) Three members who shall be appointed by the governor subject to advice and consent of the senate and shall be voting members; provided that for the initial year, one member shall serve a one-year term, one member shall serve a two-year term, and one member shall serve a three-year term; provided further that after the initial term, each of the members may serve up to two consecutive terms for up to eight years with each term being four years;~~

~~(2) One member who shall be appointed by the speaker of the house and shall be a voting member; provided that the member shall serve an initial term of four years and may serve up to two consecutive terms for up to eight years with each term being four years;~~

~~(3) One member who shall be appointed by the president of the senate and shall be a voting member; provided that the member shall serve an initial term of four years; provided further that the member may serve up to two~~

~~consecutive terms for up to eight years with each term being four years;~~

~~(4) The chair of the Hawaii state fire council or the chair's designee, who shall be an ex officio, nonvoting member; and~~

~~(5) The adjutant general of the Hawaii national guard or the adjutant general's designee, who shall be an ex officio, nonvoting member.~~

~~(d) All members of the state fire marshal selection commission, both voting and nonvoting, shall elect a chairperson and a vice chairperson of the commission; provided that the chairperson is not an ex officio member.~~

~~(e) Any action taken by the state fire marshal selection commission shall be approved by a simple majority of its members; provided that a majority of the members of the commission shall constitute a quorum to do business.~~

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

~~(g) Notwithstanding this section, if a state fire marshal has already been appointed by the state fire council by June 30, 2025, as set forth in Act 209, Session Laws of Hawaii 2024, the state fire marshal selection commission's authority to appoint the state fire marshal shall begin upon the expiration of the incumbent state fire marshal's term.~~] the state fire marshal shall be appointed by the governor, with the advice and consent of the senate."

SECTION 4. Act 302, Session Laws of Hawaii 2025, is amended by amending section 18 to read as follows:

"SECTION 18. There is appropriated out of the general revenues of the State of Hawaii the sum of $2,212,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 in the following manner:

(1) For fiscal year 2025-2026:

(A) $206,352 for one full-time equivalent (1.0 FTE) position for the state fire marshal;

(B) $189,804 for one full-time equivalent (1.0 FTE) position for one deputy state fire marshal;

(C) $40,248 for one full-time equivalent (1.0 FTE) position for one office assistant IV;

[~~(D) $160,000 for two full-time equivalent (2.0 FTE) positions for fire inspectors;~~

~~(E) $240,000 for three full-time equivalent (3.0 FTE) positions for fire investigators; and~~]

(D) $400,000 for four full-time equivalent (4.0 FTE) positions for assistant fire marshals; and

[~~(F)~~] (E) $1,375,596 for the operations, costs, equipment, and expenses of the office of the state fire marshal; and

(2) For fiscal year 2026-2027:

(A) $214,608 for one full-time equivalent (1.0 FTE) position for the state fire marshal;

(B) $197,400 for one full-time equivalent (1.0 FTE) position for one deputy state fire marshal;

(C) $40,248 for one full-time equivalent (1.0 FTE) position for one office assistant IV;

[~~(D) $160,000 for two full-time equivalent (2.0 FTE) positions for fire inspectors;~~

~~(E) $240,000 for three full-time equivalent (3.0 FTE) positions for fire investigators; and~~]

(D) $400,000 for four full-time equivalent (4.0 FTE) positions for assistant fire marshals; and

[~~(F)~~] (E) $1,359,744 for operations, costs, equipment, and expenses of the office of the state fire marshal.

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

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

S.B. NO. 2645 S.D. 2 Proposed

Report Title:
Fire Prevention; Office of the State Fire Marshal; Governor; State Fire Code; State Fire and Life Special Fund; Inspections; State Facilities; Appointment; Positions.

Description:
Establishes the State Fire Code as the minimum statewide standard for fire safety. Prohibits the counties from adopting, amending, or enforcing any ordinance, rule, or code provision that is less restrictive than the State Fire Code. Establishes the State Fire and Life Safety Special Fund. Limits the frequency of fire and safety inspections at state facilities by the Office of the State Fire Marshal to once every three years. Changes the method of appointment of the State Fire Marshal from selection by the State Fire Marshal Selection Commission to appointment by the Governor, with the advice and consent of the Senate. Amends Act 302, SLH 2025, by replacing two full-time equivalent (2.0 FTE) positions for fire inspectors and three full-time equivalent (3.0 FTE) positions for fire investigators with four full-time equivalent (4.0 FTE) positions for assistant fire marshals. (Proposed SD2)

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