

A Bill for an Act Relating to Land Fire Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 185-4, Hawaii Revised Statutes, is amended to read:

“Sec. 185-4 Payment for fire fighting. No federal [, state,] or county agency summoned by a fire warden to assist in extinguishing a fire shall be reimbursed for expenses incurred in such fire fighting.

No owner, lessee, or occupier of any lands upon which a fire has occurred, nor any employee of such persons, nor any person who has any vested interest in and to the lands or his employees shall be entitled to the compensation provided for in this chapter, for his services and materials rendered in and upon the land in the extinguishment of any fire; provided the prohibition contained in this paragraph shall not apply to owners or persons holding interests to any lands which have been surrendered to the department of land and natural resources under agreement as a public forest reserve for a period of ten years or more or as a

public shooting ground for a period of five years or more or to any owner who suffered a fire as a result of his allowing his land to be used by the general public without compensation.

The department shall pay all expenses for wages of persons, use of equipment, supplies, or materials summoned or used by the state forester, or a fire warden, for controlling and extinguishing any fire coming within the meaning of this chapter.

All expenses incurred in controlling or extinguishing a fire by the state forester, or a fire warden, shall be payable from the [governor's] fire fighter's contingent fund, [provided such has been established by the legislature, and] provided the fire suppression budget is exceeded, and the owner, lessee, or agency having control over the lands has not been negligent in starting or failing to control or extinguish a fire. Any person, agency, or corporation summoned by the state forester, or a fire warden to assist in extinguishing a fire eligible under this chapter to claim for reimbursement for wages, equipment use, supplies, or materials must submit an itemized statement of such claims to the chief fire warden through the district fire warden within sixty days after the fire has been extinguished in order to have it honored.

There shall be a Fire Fighter's Contingency Fund established under the control of the Department of Land and Natural Resources and the amount of \$200,000 shall be appropriated each fiscal year to this fund. Any unused portion shall lapse at the end of the fiscal year.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 18, 1978.)