

ACT 303

S.B. NO. 223

A Bill for an Act Relating to Fire Prevention.

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

PART I

SECTION 1. Section 185-1.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§185-1.5~~ **Responsible agency.** (a) The department shall take measures for the prevention, control, and extinguishment of wildland fires within forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural area reserves and shall cooperate with established fire control agencies of the counties and the federal government in developing plans and programs and mutual aid agreements for assistance for the prevention, control, and extinguishment of fires on forest, grass, brush, and watershed lands not within the department’s fire protection responsibilities described above.

(b) The department shall establish an independent program relating to the prevention, control, and extinguishment of wildland fires within forest reserves. The department may perform fuel reduction on lands not set aside to the department.”

SECTION 2. Section 185-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) The administrator shall have the power and duty to:
- (1) Review and approve plans prepared by the managers;
 - (2) Establish procedures and guidelines for the prevention, control, and extinguishment of fires coming within the meaning of this chapter;
 - (3) Establish procedures, guidelines, and conditions for the issuance of burning permits and for determining periods when forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural area reserves shall be closed;
 - (4) Close or partially close forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural area reserves, by restricting certain activities when necessary;
 - (5) Summon, when necessary, additional firefighting assistance, equipment, supplies, and materials needed to extinguish fires; ~~and~~
 - (6) Do any act which the manager is empowered to perform under this chapter[-]; and
 - (7) Establish and maintain facilities for the performance of fire protection, fire prevention, pest control, and forest and range protection and enhancement activities.”

PART II

SECTION 3. The state fire council may amend the state fire code to require that every owner or other person having charge of or control over any building, structure, or other premises or any holder of an easement located in a hazardous fire area shall:

- (1) Maintain an effective firebreak by removing and clearing flammable vegetation and combustible growth from areas within thirty feet of the building, structure, or premises; provided that single specimens of trees, ornamental shrubbery, or similar plants used as ground cover that do not rapidly transmit fire need not be removed or cleared;
- (2) Maintain an effective firebreak by removing and clearing flammable vegetation and combustible growth from areas within one hundred feet of the building, structure, or premises when hazardous conditions cause a firebreak of thirty feet to be insufficient to provide reasonable safety; provided that grass and other vegetation located more than thirty feet from buildings or structures and less than eighteen inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion;
- (3) Remove portions of trees that extend within ten feet of any chimney outlet of the building or structure;
- (4) Remove deadwood from trees adjacent to or overhanging the building or structure; and
- (5) Maintain the roof of the building or structure free of leaves, needles, or other dead vegetative growth.

PART III

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

- (1) Reduce hazardous wildfire fuels on the landscape that threaten watersheds, communities, and critical public infrastructure such as powerlines and communication facilities;
 - (2) Create and maintain effective firebreaks along undeveloped state properties that border a developed parcel, including but not limited to schools and residential and commercial properties, by removing and clearing flammable vegetation and combustible growth from areas within thirty feet of the developed parcel;
 - (3) Reduce flammable grasses on the landscape through projects like managed grazing; and
 - (4) Provide water infrastructure for grazing and fire suppression.
- (b) The department of land and natural resources shall submit a report to the legislature no later than twenty days prior to the convening of each regular session detailing the progress made toward meeting the requirements of subsection (a).

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000 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 for the division of forestry and wildlife of the department of land and natural resources' community fuels reduction project to support wildfire prevention and hazardous fuel reduction measures pursuant to section 4 of this Act.

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

SECTION 6. Beginning with fiscal year 2027-2028 and each fiscal year thereafter, the department of land and natural resources shall establish the community fuels reduction project as a separate line item within the department's budget.

PART IV

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2025.

(Approved July 8, 2025.)