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# A BILL FOR AN ACT

RELATING TO THE STATE FIRE MARSHAL.

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

1           SECTION 1. The legislature finds that in the aftermath of  
2 the Lahaina wildfire, six house of representatives interim  
3 working groups were established and charged with evaluating  
4 specific topics related to the wildfire and making  
5 recommendations for appropriate legislative action in the  
6 regular session of 2024. The wildfire prevention working group  
7 was tasked to identify the causes of wildfires and preventative  
8 action that may be taken to reduce the risk of wildfires  
9 throughout the State.

10           The legislature further finds that Hawaii is the only state  
11 without a state fire marshal. In 1979, the position of the  
12 state fire marshal was abolished and replaced with the state  
13 fire council. The state fire council is now composed of the  
14 fire chiefs of the four counties, the state aircraft rescue fire  
15 fighting unit, and the state protections forester from the  
16 department of land and natural resources, division of forestry  
17 and wildlife. The state fire council's members serve as non-



1 compensated volunteers as their time allows from their full-time  
2 employment. The state fire council has an office staff  
3 consisting of two part-time administrative specialists. The  
4 legislature further finds that rising global temperatures have  
5 increased the risk of fires and dangerous weather conditions in  
6 the State and as these risks increase, the State will be better  
7 served by having a dedicated state fire marshal.

8 The purpose of this Act is to enact a recommendation of the  
9 wildfire prevention working group that establishes the office of  
10 the state fire marshal to direct statewide efforts in preventing  
11 and responding to fires throughout the State.

12 SECTION 2. Chapter 132, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 **"§132- Office of the state fire marshal; established."**

16 (a) There is established the office of the state fire marshal  
17 within the department of labor and industrial relations. The  
18 office shall be headed by a state fire marshal, who shall be  
19 appointed by the governor without regard to chapters 76 and 89  
20 and shall not be subject to the advice and consent of the  
21 senate, to serve for a period of ten years. The state fire



1 council shall submit a list of three nominees to the governor  
2 from which the governor shall appoint the state fire marshal.  
3 The state fire marshal may hire staff as necessary.

4 (b) The state fire marshal shall have the qualifications,  
5 experience, and expertise in fire safety, prevention, and  
6 control necessary to successfully perform the duties of the  
7 position.

8 (c) The state fire marshal shall:

9 (1) Propose amendments to the state fire code for review  
10 and adoption by the state fire council;

11 (2) Assist in the investigation of fires when requested by  
12 a county;

13 (3) Conduct inspections of state buildings and facilities  
14 to ensure fire safety compliance;

15 (4) Coordinate with county fire departments and other  
16 agencies in promoting fire safety and the efficient  
17 deployment of fire operations in the State;

18 (5) Provide and coordinate public education and awareness  
19 on fire safety;

20 (6) Oversee the training and certification of fire  
21 inspectors and investigators in the State;



1       (7) Maintain records of all fires in the State, including  
2       the causes and circumstances;

3       (8) Administer state-level fire protection training and  
4       aid in the establishment of training facilities and  
5       programs, including statewide standardization of  
6       certification and training levels for firefighters;

7       (9) Assist in the disbursement of federal grants for fire  
8       protection purposes to the counties; and

9       (10) Perform other duties as necessary or delegated by the  
10       state fire council.

11       (d) In carrying out the state fire marshal's duties  
12 pursuant to this section, the state fire marshal may utilize the  
13 services of the state fire council advisory committee and  
14 administrative staff."

15       SECTION 3. The state fire council shall submit a report of  
16 its findings and recommendations, including any proposed  
17 legislation, to the legislature by November 1, 2024. The report  
18 shall include the following, at minimum:

19       (1) An organizational plan, including structure and  
20       personnel plan, for the office of the state fire  
21       marshal;



1 (2) A description of the roles and division of  
2 responsibilities between the State and the counties,  
3 and the office of the state fire marshal and the state  
4 fire council, regarding fire prevention and response;  
5 and

6 (3) Proposed operating budget for the office of the state  
7 fire marshal.

8 SECTION 4. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so  
10 much thereof as may be necessary for fiscal year 2024-2025 for  
11 the establishment and operation of the office of the state fire  
12 marshal, including the establishment of full-time  
13 equivalent ( FTE) administrative staff positions.

14 The sum appropriated shall be expended by the department of  
15 labor and industrial relations for the purposes of this Act.

16 SECTION 5. In accordance with section 9 of article VII of  
17 the Hawaii State Constitution and sections 37-91 and 37-93,  
18 Hawaii Revised Statutes, the legislature has determined that the  
19 appropriations contained in H.B. No. , will cause the state  
20 general fund expenditure ceiling for fiscal year 2024-2025 to be  
21 exceeded by \$ or per cent. In addition, the



1 appropriation contained in this Act will cause the general fund  
 2 expenditure ceiling for fiscal year 2024-2025 to be further  
 3 exceeded by \$                    or                    per cent. The combined total  
 4 amount of general fund appropriations contained in only these  
 5 two Acts will cause the state general fund expenditure ceiling  
 6 for fiscal year 2024-2025 to be exceeded by  
 7 \$                    or                    per cent. The reasons for exceeding the  
 8 general fund expenditure ceiling are that:

- 9        (1) The appropriation made in this Act is necessary to
- 10                serve the public interest; and
- 11        (2) The appropriation made in this Act meets the needs
- 12                addressed by this Act.

13        SECTION 6. New statutory material is underscored.

14        SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

Fire Protection; Office of the State Fire Marshal; State Fire Council; Appropriation; Expenditure Ceiling

**Description:**

Establishes the office of the state fire marshal to direct fire protection efforts statewide. Appropriates funds. Effective 7/1/3000. (HD1)

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

