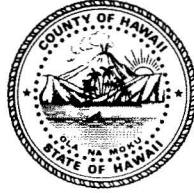


Harry Kim
Mayor



Dixie Kaetsu
Managing Director

**Barbara J.
Kossow**
Deputy Managing
Director

County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawai'i 96740
(808) 329-5226 • Fax (808) 326-5663

February 19, 2008

Representative Ken Ito
Chair, Water, Land Use, Ocean Resources
and Hawaiian Affairs Committee
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Ito and Committee Members:

Re: HB 2466, HD1

Thank you for this opportunity to testify on the important issue of regulation of fireworks to reduce the risk of fires.

While I agree that more action should be taken to allow individual counties to exercise home rule when it comes to fireworks restrictions, I cannot support HB 2466, HD1 as written. That is because I do not believe that the power to create a "fireworks prohibited zone" should be given to a single individual, not even the Fire Chief, or for that matter, the Mayor. Instead, I would advocate that each county be allowed to determine for itself the extent to which fireworks will be regulated. That would mean authorizing the counties, through their elected officials, to set policy as they see fit. HB 2466, HD1, is too narrow, in that it only allows the counties to adopt ordinances which give authority to the Fire Chief and no one else. Each county ought to decide for itself whether that kind of decision will be made by the Fire Chief, the Mayor, Civil Defense, the Council, or by some other method.

I also would urge that Section 2 of HB 2466, HD1 be further amended. The problem with fireworks is well known, as is the cultural sensitivity and recognition of the traditional role of fireworks in Hawai'i. For that reason, again, it would seem to be appropriate to allow each county to decide for itself whether new restrictions should be placed on

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fireworks, and those restrictions might be greater than those imposed by the Legislature a decade ago. Let the counties have home rule, and do not deny them the power to be more restrictive than the provisions of Chapter 132 D. As far as I know, fireworks cannot be transported interisland under present law, so the argument that there must be consistency among the islands does not seem to have a strong basis.

Thank you for your consideration.

Aloha,

Harry Kim
MAYOR



LEGISLATIVE INFORMATION SERVICES OF HAWAII

820 Mililani St., Suite 810
HONOLULU, HI 96813
PH: 533-6750 FAX: 599-2606 www.lish.info lishawaii@aol.com

February 20, 2008

To: House Committee on Water Land, Ocean Resources & Haw'n Affairs
Rep. Ken Ito, Chair / Rep. Jon Riki Karamatsu, Vice Chair

By: Richard C. Botti, President or Lauren Zirbel, Gov't Relations

Re: HB 2466 HD1 RELATING TO WILDFIRE MANAGEMENT

The state-licensed, legal and responsible fireworks industry wants all Hawaii citizens to use only state-legal fireworks, if they are going to use fireworks at all, and to use those fireworks safely and responsibly.

We are understandably concerned about the legislative authority granted in section 1 of HB 2466 HD1. In essence, a county fire chief could ban fireworks usage in a designated area. He or she could do so with no need for any standard on which to base his or her decision. There would be no review of his decision by any elected body. There would be no right to appeal or protest. And, there would be no time for such a review, protest, appeal or judicial oversight. In essence, the holiday period of celebration would be over and long gone before any court of competent jurisdiction could determine the legitimacy of the action taken.

Instead of this ill-advised and universal grant of legislative authority to an unelected person, we support prohibiting the use of fireworks in legally designated forest areas, legally designated wildlife preserves, as well as legally designated state and county parks. We prefer that these prohibitions be added outright to the State Fireworks Law in 132D-5

We have offered some of this language as amendments to HB 2436. We offer this same language here.

(2) Change 132D-5 to read:

(a) It shall be unlawful for any person without a permit to:

(1) Remove or extract the pyrotechnic contents from any fireworks;

(2) Throw any ignited fireworks from or at a [moving] vehicle or at a person or at an animal;

(3) Throw from, set off on or fire any fireworks from above the first floor of any building;

(4) Set off, ignite, discharge, or otherwise cause to explode any fireworks:

(A) At any time not within the periods for use prescribed in section 123D-3, unless permitted pursuant to section 123D-10;

(B) Within one thousand feet [from] of any operating hospital, convalescent home, home for the elderly, [or] animal hospital, or animal shelter;

(C) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;

(D) On any highway, alley, street, sidewalk, [or] other public way or in any park or on any public beach;

(E) Within fifty feet of any canefield;

(F) [or w]Within one thousand feet [from] of any building used for public worship during the periods when services are held[;] except as may be permitted pursuant to section 123D-10; and

(G) Within five hundred feet [from] of any hotel