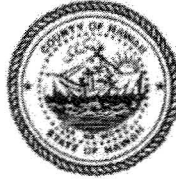


William P. Kenoi
Mayor



Darryl J. Oliveira
Fire Chief

Glen P. I. Honda
Deputy Fire Chief

County of Hawai'i
FIRE DEPARTMENT

25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

February 2, 2010

TO : REPRESENTATIVE JOEY MANAHAN, CHAIR, COMMITTEE ON TOURISM, CULTURE & INTERNATIONAL AFFAIRS
REPRESENTATIVE FAYE P. HANOHANO, CHAIR, COMMITTEE ON PUBLIC SAFETY

FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT

SUBJECT: HB 2778 RELATING TO ENFORCEMENT
DATE/TIME OF HEARING: THURSDAY, FEBRUARY 4, 2010, 11:00 A.M.
COPIES REQUESTED: 3 COPIES


I would like to thank you for taking up the issue of fireworks and the impact fireworks related activities have on our various island communities. Over the years, the Hawaii State Fire Council has strived to encourage and promote legislation that would support the effective enforcement, controls, and regulation of fireworks.

As one member of the State Fire Council and the Fire Chief for the County of Hawaii, I would like to ask for your support of legislation that may provide for any of the following:

1. Support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. Support a "home rule" concept that would allow each county to determine the potential hazards of fireworks and the benefit to their community and permit further restricting fireworks use based on each county's needs and resources. Chapter 132D-17, Hawaii Revised Statutes states that no county may enact stricter laws or rules relating to the present fireworks law.
3. Support measures that make the arrest and prosecution for the illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.
4. Support gradually increasing random container inspections by the various federal, state and private agencies to help control the illegal importation of fireworks.

I realize and appreciate the cultural significance fireworks have and continue to play in our community; however, I feel it is imperative that we balance those values and beliefs with responsible and safe practices. The aforementioned measures would provide for the opportunity to better regulate and effectively control the use of fireworks and support the enforcement efforts of the fire departments and law enforcement agencies across our state.

Sincerely,


DARRYL OLIVEIRA
Fire Chief



DO:lk

Hawai'i County is an Equal Opportunity Provider and Employer.

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COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihu'e, Kaua'i, Hawaii 96766

February 2, 2010

The Honorable Joey Manahan, Chair
Committee on Tourism, Culture, and International Affairs
House of Representatives
State Capitol, Room 421
Honolulu, Hawaii 96813

The Honorable Faye Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chairs Manahan and Hanohano:

Subject: H.B. 2778 Relating to Fireworks

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. We believe each county should determine the potential hazards of fireworks and the benefit to their community by further restricting fireworks use based on each county's needs and resources. Chapter 132D-17, Hawaii Revised Statutes states that no county may enact stricter laws or rules relating to the present fireworks law.
3. We support measures that make the arrest and prosecution for the illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

The SFC and the KFD request your committee's support on the passage of H.B. 2778. Please call me at [REDACTED] should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman".

Robert Westerman
Fire Chief, County of Kaua'i

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RFW/eld

CHARMAINE TAVARES
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919

February 2, 2010

The Honorable Joey Manahan, Chair
Committee on Tourism, Culture, and International Affairs
House of Representatives
State Capitol, Room 421
Honolulu, Hawaii 96813

The Honorable Faye Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chairs Manahan and Hanohano:

Subject: H.B. 2778 Relating to Fireworks

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a Member of the State Fire Council (SFC). The MFD and the SFC offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. We believe each county should determine the potential hazards of fireworks and the benefit to their community by further restricting fireworks use based on each county's needs and resources. Chapter 132D-17, Hawaii Revised Statutes states that no county may enact stricter laws or rules relating to the present fireworks law.
3. We support measures that make the arrest and prosecution for the illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

Should you have any questions, please call SFC Administrator Socrates Bratakos at [REDACTED].

Sincerely,


JEFFREY A. MURRAY
Fire Chief

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LEGISLATIVE INFORMATION SERVICES OF HAWAII

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Honolulu, HI 96813

PH: 533-6750 FAX: 599-2606
www.lish.info Email: lishawaii@aol.com

February 4, 2010 @11:00 a.m. in CR 309

To: Committee on Tourism, Culture & International Affairs
Rep. Joey Manahan, Chair
Rep. James Kunane Tokioka, Vice Chair

Committee on Public Safety
Rep. Faye P. Hanohano, Chair
Rep. Henry J.C. Aquino, Vice Chair

By: Richard C. Botti, President
Lauren Zirbel, Government Relations
(LISH represents fireworks retailers a supplier)

RE: HB 2778 RELATING TO FIREWORKS

Chairs and Committee Members:

House Bill 2778 increases licensing fees for those individuals or companies that import, store, sell at wholesale or sell at retail all fireworks--consumer fireworks, display fireworks and articles pyrotechnic.

House Bill 2778 also increases permit fees for those individuals, organizations or companies that purchase and/or use these fireworks products.

Then, in Section 3 of the bill, the monies collected from these licenses and permits are specifically designated for the county police or fire department of the county in which these licenses or permits were obtained.

Then, in Section 4 of the bill, the penalties specified in 132D-14 of the Hawaii Fireworks Law for the various violations of the Law are increased by adding monetary penalties to the currently enacted criminal sanctions. Finally, a new penalty provision would be enacted by Section 4(d) for violations occurring outside the currently legal times specified in 132D-3 of the Hawaii Fireworks Law.

Our client imports, stores and sells at wholesale only Hawaii State legal consumer fireworks. Our client does not import, store or sell at wholesale aerial fireworks, display fireworks or articles pyrotechnic. Our client does everything that it can to ensure 100% compliance with all applicable federal and state laws and regulations and all applicable local requirements. Our client believes that if citizens of Hawaii want to celebrate, they should purchase only legal consumer fireworks and use them safely and responsibly.

So, our client supports both the intent and the scope of the increased fines associated with illegal acts. We applaud the intent of the bill to ensure that fines and penalties collected will be used to enforce the law.

Additionally, let us be honest. Almost no one ever says increase the fees for the licenses that we have to buy. That increases the cost of doing business and it is not always possible to recover those increased

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costs by passing them on to customers. But, in this instance, we have consistently testified for a statutory mandate that the licensing fees and permit fees that are collected be designated for enforcing the statute. So, we are here today to support the fee increases in Section 3 of the bill because they are responsible and they will go for enforcement.

Finally, in years past, we have also testified in support of dedicating the monies collected for permit fees for two specific purposes. We have suggested that 50% of these permit fees be designated to enforcement and the remaining 50% be designated for the creation and funding of a public education program that would be jointly developed by the fire departments and the licensed importers, wholesalers and retailers. We are here again today to offer this suggestion for the consideration of the Committees as an amendment to the bill.

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tokioka1-Elijah

From: Ron Taguchi [REDACTED]
Sent: Tuesday, February 02, 2010 2:32 PM
To: TCItestimony
Subject: BAN FIREWORKS!!!

Living in Kaimuki for 20+ years, we've endured the New Year Celebration. However, you must agree the celebration has been taken to the extreme.

Each year, the pyrotechnics used are getting louder and louder, violators are becoming braver. It's not only the display, it's the concussion (BOOM, BOOM, BOOM)... THE LOUDER THE BETTER. LET'S DISTURB AS MANY AS POSSIBLE, let's set them off after midnight and see how many people we can wake. It's a literally a COMPETITION to create the greatest disturbance.

Recently, two middle aged men received minor punishment for injuring a little girl's hand. Had any one been closer to the IED they would have been killed.

Another woman, convicted to illegal importation of the contraband with the street value of 200K, was given a "slap on the wrist.

The messages to VIOLATORS are clear.

I shudder to think what louder and more powerful explosives will be used if left unchecked.

Every year we hunker down, take cover, and gasp for air.

PLEASE ENOUGH!!!!

Thank you,
Ron Taguchi and Family