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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

HB497, HD1, SD1
RELATING TO FIREWORKS

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committee on Judiciary

Friday, March 29, 2019, 9:30 a.m.
Conference Room 016

Chair Rhoads and Members of the Committee:

Good morning Chair Rhoads and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.B. No. 497, H.D. 1, S.D. 1, Relating to Fireworks.

The purpose of this measure is to establish an Illegal Imports Task Force to examine the illegal import of fireworks and contraband into Hawaii.

The measure also requires the Legislative Reference Bureau to assist the Illegal Imports Task Force with the finalizing of its final report and drafting any recommended legislation; provided that the Task Force provides drafts of its report and legislation to the Bureau by no later than September 1, 2019.

The Bureau takes no position on the merits of this measure, but submits the following comments for your consideration.

As a general matter, we note that the task force established in this measure is placed within the Department of the Attorney General, an executive branch agency, for administrative purposes. The Bureau is statutorily directed to use its resources and services to assist the Legislature and its members, unless otherwise directed by the Legislature.

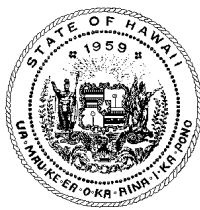
Accordingly, we have some concerns with how the measure is currently drafted with respect to the work requested of the Bureau. The language of the measure requires the Bureau to assist the Illegal Imports Task Force with the drafting of its final report and proposed legislation, even though the task force is housed within an executive agency that possesses far more resources than the Bureau.

The Bureau would also like to note that the measure requires the Illegal Imports Task Force to submit its draft report to the Bureau by no later than September 1, 2019. However, the Illegal Imports Task Force isn't actually required to submit its final report to the Legislature until the 2021 Legislature. Therefore, it seems that the draft report submission deadline to the Bureau should be September 1, 2020, rather than September 1, 2019.

If the Committee decides to recommend the passage of this measure and desires to keep the Bureau involved, the Bureau believes that the services requested under the measure would be manageable and that the Bureau will be able to provide the services in the time allotted; provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting studies, writing or finalizing other reports, drafting legislation, or any combination of these for the Legislature or for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for your consideration.

DAVID Y. IGE
GOVERNOR



NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

No. _____

TESTIMONY ON HOUSE BILL 497, HOUSE DRAFT 1, SENATE DRAFT 1
RELATING TO FIREWORKS.

by

Nolan P. Espinda, Director

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Friday, March 29, 2019; 9:30 a.m.
State Capitol, Conference Room 016

Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 497, House Draft (HD) 1, Senate Draft (SD) 1, which establishes a task force to examine the illegal import of fireworks contraband into Hawaii.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

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LATE

March 28, 2019

The Honorable Karl Rhoads, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: House Bill (HB) 497, House Draft (HD) 1, Senate Draft (SD) 1 Relating to Fireworks

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support the intent of HB 497, HD 1, SD 1, which establishes a task force to examine the illegal import of fireworks and contraband into Hawaii.

The SFC fully supports the examination of all potential supply chain routes for illegal importation of fireworks into Hawaii. The widespread use of illegal fireworks endangers the public, not only when it is being used, but also as it is transported throughout the state. Deaths and serious injuries have occurred, along with property damage, from the use of illegal fireworks. Neighborhoods are impacted by noise and pollution, veterans are reminded of combat conditions, and animals are traumatized at length preceding and following the use of illegal fireworks during New Year's Eve and Independence Day holiday celebrations.

The general welfare, public safety, and property protection are priorities for the SFC and the HFD, and we respectfully request your committee's passage of HB 497, HD 1 SD 1.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

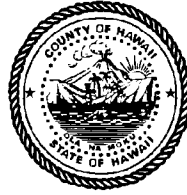
Sincerely,

A handwritten signature in blue ink, appearing to read "MPN".

MANUEL P. NEVES
Chair

MPN/LR:clc

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Lance S. Uchida
Deputy Fire Chief

County of Hawai'i
HAWAI'I FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

March 27, 2019

The Honorable Karl Rhoads, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 204
Honolulu, Hawai'i 96813

Dear Chair Rhoads:

Subject: H.B. 497, HD 1, SD 1 RELATING TO FIREWORKS
Hearing Date: Friday, March 29, 2019
Time/Place of Hearing: 9:30 a.m., Conference Room 016

I am Darren J. Rosario, Member of the Hawai'i State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The SFC and the HCFD support HB 497, HD 1, SD 1, which proposes to establish a task force to examine the illegal import of fireworks and contraband into Hawai'i.

The use of unregulated, illegal fireworks endangers the public during its use as well as during the illegal transport of these products. Our office receives dozens of phone calls asking for assistance in eliminating the import of illegal fireworks. These fireworks subject the communities with noise and pollution. Furthermore, the effects to livestock and personal pets are traumatizing.

The SFC and the HCFD respectfully request your passage of HB 497, HD 1, SD 1 to ensure the general welfare, property conservation, and safety of our communities.

Please do not hesitate to call me at 932-2901 or darren.rosario@hawaiicounty.gov should you have any questions. Thank you for the opportunity to provide testimony in support.

Respectfully,

A handwritten signature in black ink, appearing to read "Darren J. Rosario".

DARREN J. ROSARIO
Fire Chief



Testimony of Ku'uhaku Park
On Behalf of Matson
Comments on HB497, HD1, SD1
Before the Committees on Judiciary
March 29, 2019

Dear Chair Rhoads, Vice Chair Wakai, and Members of the Committee,

Thank you for the opportunity to provide comments on HB497, HD1, SD1, which establishes a task force to examine the illegal import of fireworks and contraband into Hawaii.

Act 170, Session Laws of Hawaii, 2010, established an Illegal Fireworks Task Force to develop strategies to address the illegal fireworks problem in Hawaii. This Task Force was chaired by Senator Will Espero and Representative Faye Hanohano. The maritime industry, including Matson, actively participated on this Task Force along with the Honolulu Fire Department, and local, state and federal law enforcement agencies. Suggestions from the Illegal Fireworks Task Force of 2010 included conducting inspections after recipients pick up their shipments from the harbor to avoid congestion at the ports.

Unlike in Act 170, SLH 2010, this measure does not include representatives from private industry. We request that the measure be amended to require inclusion of members of the shipping and airline industries and any other groups that may import goods such as private aircraft and the boating community.

Recommendations from this new task force must consider adverse impacts on the flow of commerce. The new task force contemplated in this measure must also consider that maritime cargo is already inspected in accordance with federal and state rules. Matson's operations run almost twenty-four hours a day, seven days a week and our Sand Island Terminal is operating at or above full capacity. Any requirement for additional inspections could cause significant delays in offloading and out-gating our cargo. This would likely compound negative impacts to commerce on the Neighbor Islands who depend on timely movement of cargo coming in and out of Honolulu Harbor.

Thank you for considering our comments.

HB-497-SD-1

Submitted on: 3/28/2019 8:17:40 AM

Testimony for JDC on 3/29/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jerald E. Farley	Testifying for American Promotional Events, Inc.	Support	No

Comments:

Mr. Chairman and Members of the Senate Committee on Judiciary:

We are in support of HB 497, HD1,SD1

Jerald E. Farley, Executive Director of Government Relations

American Promotional Events, Inc.

HB-497-SD-1

Submitted on: 3/25/2019 4:51:58 PM

Testimony for JDC on 3/29/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
KEITH TAKEDA	Individual	Support	No

Comments:

I am in favor of this version of the bill, SD1 to form a task force to analyze and determine the sources of illegal fireworks entry into Honolulu.

I do NOT support a full ban on fireworks in the original bill. I am of Chinese ancestry. I take pride in that. I have taken up kung fu and lion dancing to get closer to my roots. I celebrate legally like a lot of others here. My mother and my uncle and aunties have rung in the new year for dozens of years as well as my grandfather and grandmother before that. I want to continue to do so and have my future children do so. To chase away the evil spirits from our home and family and welcome in the new year. This has gone back for untold generations back to China. These islands are a melting pot of nationalities and cultures, thru immigration and plantation days till now, and many people here in Hawaii have also taken on this tradition as their own local one, to bring good luck upon their household no matter what their nationality or background is.

Again, I support the newer ammendment to create this investigative task force.

Mahalo, Keith

**TESTIMONY OF
LARRY S VERAY
TO
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

SUPPORT OF HB 497 HD1 SD1

RELATING TO FIREWORKS

MARCH 26, 2019

Aloha, Chair Karl Rhoads, Vice Chair Glenn Wakai and Committee members. Although I am Chair for the Pearl City Neighborhood Board No. 21, I am submitting this testimony as an individual.

This bill establishes a task force to examine the illegal import of fireworks and contraband into Hawaii.

Tons of illegal firework explosives are believed to be delivered via shipping containers at all our ports of entry in the Hawaiian Islands. What is very interesting is that the State has inspectors randomly checking containers for fireworks and contraband but you never hear of any inspector detecting any fireworks. The inspectors are overwhelmed with the number of containers that arrive daily at our ports and they lack the tools and capabilities to detect these explosives. In addition, there is a major organized crime distribution of illegal fireworks that is connected to these illegal fireworks shipments and deliveries. One would also assume that millions of dollars in illegal fireworks sales are distributed between possibly a few inspectors and the middle distributors and the public. This is totally an underground network of distribution. Furthermore, technology and dogs are available to detect explosives. Our military employs this capability everyday overseas protecting our U.S. Embassy's and other important strategic locations.

You have the ability to establish a hand-picked task force to develop a plan of action to mitigate this very public safety issue. I most strongly urge you to pass HB 497 HD1 SD1. Mahalo!

Very respectfully,

Larry S. Veray

HB-497-SD-1

Submitted on: 3/27/2019 3:09:13 PM

Testimony for JDC on 3/29/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie	Individual	Support	No

Comments:

Honolulu City Council – State Fire Council Package; Fireworks; Task Force; Report

Testimony on House Bill (HB) 497 Relating to Fireworks

March 27, 2019

Submitted by Valerie L. O’Neill

Student at University of Hawaii

Chair Nishihara, Vice Chair Wakai, and Committee members, thank you for this opportunity for public comment on Bill 497 relating to Fireworks. I am Valerie L. O’Neill, and I am a student of University of Hawaii. I live in a populated area aboard Manana Housing (Military Housing) in Pearlcity.

I am also a mother and what I want for my children and every sons and daughters in Honolulu is for them to be free of harm from Fireworks. One more kid harmed is one too many – especially when we know how to protect kids.

The use of fireworks by the general public is very irresponsible and it endangers the public while being used as well as during its transportation. I cannot reminded everyone of the many veterans stationed and leave actually in my area that are being traumatized of the echo boom of: pop- pop- pop- pop.

Most definitely, the injuries and deaths occurring during the use of fireworks in our community. Adding to serious property damage. Unlikely, it is becoming a burden on the state to curb the illegal transport through the state and to assemble countless manpower during the holiday’s celebrations to prevent and respond to bodily and property harm.

To be clear, we need to eliminate demand, importers will get stuck with unsold merchandise, and the importing supply will eventually be broken. This will only be effective if we BAN completely fireworks purchased by the public to prevent just one

fireworks-related house fire, debilitating injury or death. Others option can be to catch and arrest all offenders in the act of lighting illegal fireworks;

To address the law's shortcomings, I respectfully want to show my support to the Department of Public Safety (PSD), the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD) in supports House Bill (HB) 497, House Draft (HD) 1, which establishes a task force to examine the illegal import of fireworks contraband into Hawaii.

I urge you as well to support House Bill #497 before you today for the sake of general welfare, public safety, and property protection.

Sincerely,

Valerie L. O'Neell

LATE

HB-497-SD-1

Submitted on: 3/28/2019 4:14:12 PM

Testimony for JDC on 3/29/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Go	Individual	Comments	No

Comments:

Aloha Chair Rhoads, Vice Chair Wakai, and Members of the Committee on Judiciary.

My name is James Goo and I am an individual providing COMMENTS to H.B. 497 H.D. 1, S.D. 1. I understand the reasoning behind such a measure, and while I support the creation of a task force to look into this issue, I do not support a complete ban on consumer fireworks as proposed by the original version of H.B. 497. The lighting of firecrackers on New Years Eve and Chinese New Years has been a cultural and traditional custom that my family has practiced for over 5 generations since we've been in Hawaii. My ancestral family also practiced the Lunar New Year custom in their homeland of Guandong China. We've already tried a complete ban of fireworks on Oahu in the 1980s during Mayor Eileen Anderson's tenure. That did not work as the black market flourished. That continues today. We see it every year by the sheer numbers of fireworks being set off all over the island of Oahu. The people seem to have spoken through the thousands of individuals who flagrantly violate the law because they are simply tired of being told over and over that government knows what's best for them. Prohibition never works. It didn't work for alcohol, it isn't working for marijuana, and we are looking at legalizing that, It simply is not an effective tool.

This measure is a more common sense approach to dealing with the serious scofflaws when it comes to fireworks violators. Rather than simply banning fireworks, I am sure the intelligent minds at the Capitol can find a common sense solution that doesn't deprive a large portion of the population from practicing something innocuous, one or two days out of the year, that has been part of their culture, their heritage, their traditions for generations. In my opinion, this task force is a compromise to the question of fireworks use and is the right step in curbing the proliferation of illegal fireworks.

Thank you for the opportunity to provide my comments on H.B. 497 H.D. 1 S.D. 1

James Goo