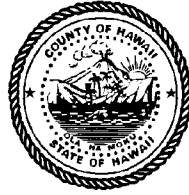


Harry Kim
Mayor



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 18, 2019

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawai'i 96813

Dear Chair Nishihara:

Subject: H.B. 89, HD 2, RELATING TO FIREWORKS
Hearing Date: Tuesday, March 19, 2019
Time/Place of Hearing: 1:20 p.m., Conference Room 229

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 89, HD 2, which establishes property owner liability for illegal aerial devices possessed or set off on their property by others and clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings authenticated by witnesses.

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

The SFC and the HCFD respectfully request your passage of HB 89, HD 2 which we believe will discourage public use of illegal aerial fireworks.

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,

DARREN J. ROSARIO
Fire Chief





KAUA'I FIRE DEPARTMENT
THE COUNTY OF KAUA'I
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KILIPAKI VAUGHAN
DEPUTY FIRE CHIEF

The Honorable Clarence Nishihara, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Public Safety, Intergovernmental,
and Military Affairs

March 19, 2019; 1:20 pm
Conference Room 229

In consideration of
House Bill 89 HD 2
Relating to Fireworks

Aloha Chair Nishihara, Vice Chair Wakai and Members of the Committee:

I am Kilipaki Vaughan, Deputy Fire Chief of the Kauai Fire Department (KFD). The KFD **supports** HB 89 HD 2, which establishes property owner liability for illegal aerial devices possessed or set off on their property by others and clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings authenticated by witnesses.

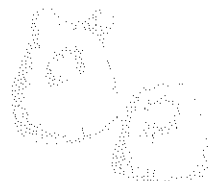
The KFD supports efforts to reduce illegal and potentially hazardous fireworks usage amongst the general public and believe measures such as those proposed by HB 89 HD 2, will help discourage public use of aerial fireworks.

Public safety and property protection are priorities for the KFD, and we respectfully request your committee's passage of HB 89 HD 2.

The KFD urges your committee's support on the passage of HB 89 HD 2. Should you have questions, please contact me at (808) 241-4980 or via email at kvaughan@kauai.gov

Ke aloha nui,

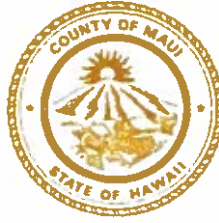
Kilipaki Vaughan
Deputy Fire Chief
Kauai Fire Department, County of Kauai



MICHAEL P. VICTORINO
Mayor

DAVID C. THYNE
Fire Chief

BRADFORD K. VENTURA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY
COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

March 18, 2019

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: House Bill (HB) 89, House Draft (HD) 2 Relating to Fireworks

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support HB 89, HD 2, which establishes property owner liability for illegal aerial devices possessed or set off on their property by others and clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings authenticated by witnesses.

The SFC and the MFD support efforts to reduce illegal and potentially hazardous fireworks usage amongst the general public and believe measures such as those proposed by HB 89, HD 2, will help discourage public use of aerial fireworks.

Public safety and property protection are priorities for the SFC, and we respectfully request your committee's passage of HB 89 HD 2.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or lrogers@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Thyne".

DAVID C. THYNE
Fire Chief

DCT/LR:clc

HB-89-HD-2

Submitted on: 3/18/2019 9:56:17 AM

Testimony for PSM on 3/19/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jerald E. Farley	Testifying for American Promotional Events, Inc. (APE)	Support	Yes

Comments:

Mr. Chairman and members of the Committee,

American Promotional Events, Inc. is in support of the HB 89 HD2.

Jerald E. Farley



improving the quality of lives of pets and their people.

Testimony by Alicia Maluafiti, Board President Poi Dogs & Popoki
In strong support of HB 89 HD 2 - Relating to Fireworks
Senate Committee on Public Safety, Intergovernmental and Military Affairs
Tuesday, March 19, 1:20 pm, rm. 229

Aloha Chair Nishihara and members of the Committee,

Poi Dogs & Popoki (PDP) is a nonprofit animal welfare organization with a mission to help people and their pets. We are in strong support of HB 89 HD 2 because we believe it will make property owners think twice about whether to allow the illegal use fireworks on their property or be held legally liable for allowing the activity. The bill also provides another tool in the toolbox for the police departments to cite, arrest, and enforce the law.

The biggest problem with the current law is that many of us know WHERE the illegals are originating from, but do NOT know who is lighting the fuse. Therefore, HPD says their hands are tied. Illegal fireworks – both aerals and other legal fireworks used illegally (prior to New Year's Eve) – start in Ewa Beach in early October. It used to be Halloween. By Thanksgiving Day, it's a daily occurrence, and next to New Year's Eve, it's one of the worst days. Just this past Sunday, bombs went off starting at 5 pm due to the Super Bowl and they didn't end till past 10 pm. Add in MMA fights, or a win at Campbell High School, and there is practically no end to the number of illegals blowing up in my community.

While I am here for the animals – because I do animal rescue - it is difficult for people to grasp the fear and stress that some animals experience due to fireworks. Unless you are seeing it first hand, you will fail to understand the chaos it causes in the lives of our animals and their owners. For the past 4 years, I have called HPD repeatedly to report my neighbors who set off illegal aerals throughout the year. I even had video. And each time that they bothered to show up (which was a 50/50 chance), I got a different response from the officer but most often it had to do with the fact that THEY – the HPD – had to see firsthand the violation before they could make an arrest. And more recently, the only thing they would do was give a warning. They did NOT always show up. But I continued to take the video.

This year was the worst....not the illegal aerals, but the bombs. Its just a flash of light. It rattles the windows. It sets off car alarms. And makes most people jump. And it terrorizes the animals. Bombs every night for 3 months. Day and night. 5 am. 5 pm. Midnight.

More than any other year – I have seen on social media an overwhelming number of people sick and tired of the bombs. It has nothing to do with culture. Or tradition. It doesn't matter if you were born and raised here or just moved here. Comments were posted by a mom with a disabled child. A wife

whose husband has PTSD. A family caring for an aging parent. And many, many of us with pets who have our lives disrupted because of entertainment. I have never – in the past 4 years – seen so many lost pets on Thanksgiving Day.....all because of illegal fireworks.

We are looking for respite and we need tools to put a stop to illegal fireworks. Many people are at the point where they are ready to report their neighbors. I have been reporting my neighbors for the past 4 years. But these tools are only effective if they are enforced by the police departments and if the prosecuting attorneys use the hammer of the law to convict them.

For me – I am looking for a hammer.....and that hammer is the threat that the property owner cannot simply sit back and watch as their family and/or friends throw up illegals all year round. They need to be ready to tell them “not on my property.” And then shut them down so that they don’t carry the burden of the crime and penalties that go with it. Its time to pay the consequences for poor decisions.

Entertainment does NOT trump quality of life. Please pass HB 89 HD 2.

**TESTIMONY OF
LARRY S VERAY
TO
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
SUPPORT OF HB 89 HD2
RELATING TO FIREWORKS
MARCH 17, 2019**

Aloha, Chair's Clarence Nishihara, 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 liability for a person who is responsible for real property and allows an individual to possess or set off illegal aerial devices on the real property. This bill also clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings.

You have the ability to improve policy and the law for our citizens to be more involved in assisting law enforcement by reporting those individuals who threaten the life and safety of people and their hard-earned property from explosive fireworks. The most impacting fireworks to our community are the aerial bombs that jolt our disabled senior citizens, babies and pets with very loud, low altitude explosions at all hours of the day and prior to the holidays. Now residents can make a difference and provide hard video evidence to the Honolulu Police Department for prosecution on those individuals that threaten their way of life.

I most strongly urge you to pass HB 89 HD2. Mahalo!

Very respectfully,

Larry S. Veray

HB-89-HD-2

Submitted on: 3/18/2019 10:34:43 AM

Testimony for PSM on 3/19/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB89 to help improve public safety.

Thank you for the opportunity to present my testimony.

Andrea Quinn

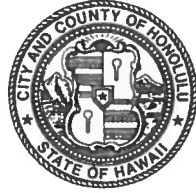
Kihei

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.police.org

LATE

KIRK CALDWELL
MAYOR



SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE DC-SAI

March 19, 2019

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety, Intergovernmental,
and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: House Bill No. 89, H.D. 2, Relating to Fireworks

I am Acting Assistant Chief Darren Chun of the Regional Patrol Bureau of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 89, H.D. 2, Relating to Fireworks, with concerns.

The HPD supports the intent of the bill but proposes amendments to make it legally enforceable.

The HPD also supports the utilization of statements and/or audio/video recordings from individuals in order to facilitate a fireworks investigation particularly with the authentication by one or more witnesses. However, any evidence submitted under the proposed exemption for the operator of an unmanned aerial vehicle will probably be deemed inadmissible. Under Rules of Evidence, although satisfying one factor, relevancy, for the admissibility of evidence, it does not allow for "reliability" or "authenticity" to be proven. This is particularly important in a criminal case where the burden of proof is needed "beyond a reasonable doubt" in order to obtain a conviction.

The credibility of the source of evidence and the evidence itself cannot be proven if the witness is not available to testify to its accuracy and authenticity. The bottom line being that video evidence, regardless of its source, is the same and subject to the same rules of evidence.

The Honorable Clarence K. Nishihara, Chair
and Members
March 19, 2019
Page 2

The HPD respectfully supports House Bill No. 89, H.D. 2, Relating to Fireworks.

Thank you for the opportunity to testify.


Sincerely,



Darren Chun, Acting Assistant Chief
Regional Patrol Bureau

Attachment

APPROVED:



Susan Ballard
Chief of Police

HB-89-HD-2

Submitted on: 3/19/2019 5:19:38 AM

Testimony for PSM on 3/19/2019 1:20:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Testifying for Ho'omanapono Political Action Committee (HPAC)	Oppose	Yes

Comments:

WE STRONGLY OPPOSE THIS BILL & SEEK TO END THE BAN ON FIREWORKS!

HB-89-HD-2

Submitted on: 3/19/2019 2:41:50 AM

Testimony for PSM on 3/19/2019 1:20:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments:

Strong support. Police Officers are hamstrung by the current law which requires them to observe the offense. Enough is enough with the illegal and dangerous aerals.

Mahalo, Ann S. Freed

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

LEONARD HOSHIO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov
Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dliir.director@hawaii.gov

LATE

March 18, 2019

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: House Bill (HB) 89, House Draft (HD) 2 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 HB 89, HD 2, which establishes property owner liability for illegal aerial devices possessed or set off on their property by others and clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings authenticated by witnesses.

The SFC and the HFD support efforts to reduce illegal and potentially hazardous fireworks usage among the general public and believe measures such as those proposed by HB 89, HD 2 will help discourage public use of aerial fireworks.

Public safety and property protection are priorities for the SFC, and we respectfully request your committee's passage of HB 89, HD 2.

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

Sincerely,

MANUEL P. NEVES
Chair

MPN/LR:clc