

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



LEONARD HOSHIJO  
DIRECTOR

LOIS IYOMASA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
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February 8, 2019

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 219  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 1305 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 SB 1305, which proposes to add two exceptions to the current statute that would allow a law enforcement agency to safely destroy or dispose of confiscated fireworks, provided the law enforcement agency retain a sample of each type of confiscated fireworks for evidentiary purposes.

Providing law enforcement agencies the ability to dispose or destroy confiscated fireworks should streamline the procedure for law enforcement to eliminate potentially hazardous fireworks from the community and preserve evidence for future prosecution of fireworks violators. The bill also proposes to allow the courts to increase penalties based on fireworks quantities seized and assess fines for disposal costs. Public safety and property protection are primary goals for the county fire departments and we believe this bill enhances law enforcement agency's ability to keep our citizens safe.

The SFC and the HFD urge your committee's support on the passage of SB 1305.

The Honorable Clarence Nishihara, Chair  
Page 2  
February 8, 2019

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

Sincerely,

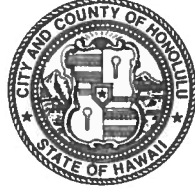


MANUEL P. NEVES  
Chair

MPN/LR:clc

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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



KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE **DC-SAI**

February 12, 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: Senate Bill No. 1305, Relating to Fireworks**

I am Major Darren Chun of District 8 (Ewa/Kapolei/Waianae) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 1305, Relating to Fireworks.

The storage of fireworks, which are essentially explosives, is extremely dangerous and needs to be done under strict protocols. The HPD supports the introduction of a bill that specifically allows for the disposal of fireworks after samples have been retained for evidentiary purposes. Disposing of unneeded fireworks will enhance the safety to the public and to the department's officers.

The disposal of fireworks is a time consuming and costly event as it is considered hazardous material once it has been labeled for destruction and needs to be disposed of under strict protocols by trained technicians or licensed vendors.

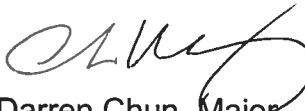
If fireworks offenses were prosecuted for each type of firework, it would increase the culpability of the offender, holding the offender accountable for possible multiple offenses instead of a single one.

The Honorable Clarence K. Nishihara, Chair  
and Members  
February 12, 2019  
Page 2

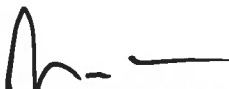
The HPD respectfully supports Senate Bill No. 1305 Relating to Fireworks.

Thank you for the opportunity to testify.

Sincerely,

  
for Darren Chun, Major  
District 8

APPROVED:

  
for Susan Ballard  
Chief of Police

THE SENATE  
THE THIRTIETH LEGISLATURE  
REGULAR SESSION OF 2019

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, February 12, 2019  
TIME: 1:15 p.m.  
PLACE: Conference Room 229  
State Capitol  
415 South Beretania Street

A G E N D A

<a href="#"><u>SB 145</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO THE STATE FIRE CODE. Amends the process for adoption of the state fire code to conform with other Hawaii state building codes.	PSM, JDC
<a href="#"><u>SB 146</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO THE STATE FIRE COUNCIL. Authorizes the State Fire Council to use moneys in the reduced ignition propensity cigarette program special fund to support the duties and responsibilities of the state fire council. Specifies the testing procedures of the reduced ignition propensity cigarette program. Provides that a manufacturer of cigarettes that fail certain testing may be subject to civil penalties.	PSM, JDC/WAM
<a href="#"><u>SB 147</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO THE STATE BUILDING CODE. Repeals the requirement for administrative rules in the adoption process of the state building codes.	PSM
<a href="#"><u>SB 148</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO FIRE PROTECTION. Specifies the allowable fire protection systems certifications that an individual may obtain.	PSM, CPH
<a href="#"><u>SB 152</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO FIREWORKS LABELING. Corrects labeling dimension with regard to fireworks used for display.	PSM, CPH
<a href="#"><u>SB 153</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO PERMIT FEES FOR AERIAL DEVICES, DISPLAY FIREWORKS, AND ARTICLES PYROTECHNIC. Increases the fireworks display permit fee to keep pace with administrative costs.	PSM, WAM
<a href="#"><u>SB 157</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO THE STATE BUILDING CODE. Repeals the requirement for the adoption of administrative rules relating to the adoption process of the state building code.	PSM, JDC
<a href="#"><u>SB 670</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO FIREWORKS. Increases the maximum fine that may be assessed per fireworks-related violation from \$2,000 to \$5,000, provided that the fireworks violation does not otherwise have a specific penalty enumerated in chapter 132D, HRS.	PSM, JDC/WAM
<a href="#"><u>SB 1305</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO FIREWORKS. Allows law enforcement agencies to safely dispose of confiscated fireworks except for a sample that is retained for evidentiary purposes. Authorizes the court to establish a step-up fine based on the amount of fireworks confiscated and to impose a disposal fine to reimburse law enforcement agencies for the costs of safely disposing of confiscated fireworks. Establishes that each type of fireworks unlawfully imported, purchased, possessed, ignited, or discharged constitutes a separate offense. Appropriates funds as a grant to the Honolulu Police Department for a secure container in which to store confiscated fireworks.	PSM, JDC/WAM
<a href="#"><u>SB 240</u></a> <a href="#"><u>Status &amp; Testimony</u></a>	RELATING TO CONSTRUCTION WASTE. Requires the state building codes to incorporate the International Green Construction Code and minimum requirements for the recycling, reuse, donation, and resale of non-hazardous construction waste.	PSM, JDC

Decision Making to follow, if time permits.

Click [here](#) to submit testimony.

Testimony may be submitted up to 24 hours prior to the start of the hearing.

FOR AMENDED NOTICES: Measures that have been deleted are stricken through and measures that have been added are underscored. If a measure is both underscored and stricken through, that measure has been deleted from the agenda.

If you require auxiliary aids or services to participate in the public hearing process (i.e., interpretive services (oral or written), ASL interpreter, or wheelchair accessibility), please contact the committee clerk at least 24 hours prior to the hearing so that arrangements can be made.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT (808) 586-6970.

\_\_\_\_\_  
Senator Clarence K. Nishihara  
Chair



*improving the quality of lives of pets and their people.*

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Testimony by Alicia Maluafiti, Board President Poi Dogs & Popoki  
In strong support of SB 1305 - Relating to Fireworks  
House Committee on Public Safety, Veterans, and Military Affairs  
Tuesday, Feb. 12, 1:15 pm, room 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 SB 1305 because we believe it will make owners think twice about the illegal use of fireworks. 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 we do NOT know who is lighting the fuse. Therefore HPD says their hands are tied. Illegal fireworks – both aeriels 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, its 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 aeriels 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 aeriels, 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 one hammer is SB 1305 because it serves as an even greater deterrent for illegal fireworks use. Its time for offenders to pay the consequences for poor decisions.

Entertainment does NOT trump quality of life. Please pass SB 1305.

**SB-1305**

Submitted on: 2/10/2019 10:49:42 AM

Testimony for PSM on 2/12/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelley Streadbeck	Individual	Support	No

## Comments:

Entertainment should not trump quality of life! There is a designated day/time when people can celebrate "culture". Not every night for months! Its illegal and people continue to violate the law! Enough is enough. Let's crack down on these violators!



**SB-1305**

Submitted on: 2/10/2019 5:51:54 PM

Testimony for PSM on 2/12/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
DyannaYost	Individual	Support	No

Comments:

Aloha,

I live in a Kona subdivision that is about 25 miles south of Kailua Kona and we are on water catchment. For the first time we had illegal fireworks in our subdivision this last New Years Eve, starting at 7pm until well after 1am in the morning New Year's Day. They started again New Year's Day in the evening.

Water is a commodity to those of us here. Illegal fireworks put those of us on water catchment in a very precarious situation. If one house burns we are all in jeopardy and we simply don't have to water out here, it would take fight house fires, if even one or several houses burned.

Furthermore, illegal fireworks are terrible for our pets. I heard dogs howling barking from the sheer terror from the loud bombs. I can only imagine how they effect people that are on the spectrum of autism disorder as well as our veterans with PTSD.

I'm urging you to please pass this bill and keep those of us in Hawaii safe and at peace.

Mahalo,

Dyanna Yost

**SB-1305**

Submitted on: 2/10/2019 7:28:47 PM

Testimony for PSM on 2/12/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel Halverson	Individual	Support	No

Comments:

Something needs to be done about the amount of illegal fireworks being set off for months.

**SB-1305**

Submitted on: 2/10/2019 11:53:31 PM

Testimony for PSM on 2/12/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John R Kercheval	Individual	Support	No

Comments:

I am submitting this testimony in support of SB 1305, which holds property owners liable for use of illegal fireworks and allows law enforcement greater ability to cite and arrest those responsible for the use of the illegal fireworks.

I am a hospital physician at Kona Community Hospital and a 41-year veteran of the military with multiple combat tours with battalion size units in Afghanistan. I have worked with military veterans throughout my military and medical careers. A number of these veterans simply dread the days on either side of several holidays here in Hawaii. The reason for their dread is the tremendous number of illegal fireworks which are detonated at all times of the day or night and in any number of indiscriminate locations. I consider myself fortunate that in spite of experiencing many episodes of shelling, mortars and rocket attacks while deployed, I have been able to make the adjustment and have no significant sequelae from these encounters. Many of my fellow service members are not so fortunate. Holidays and the multiple explosions which occur with no warning and in any location cause recurrent trauma and anxiety.

Additionally, I live in an area of Hawaii Island called Kona Paradise. We are a development of over one-hundred homes which are remote from town and on water catchment. The indiscriminate launching of illegal fireworks places the community as a whole at risk. As we say here, "if one burns, we all burn."

I know of no one that seeks to end the controlled, legal use of fireworks or to halt commercial displays by professionals. I do believe that we need improved control of the import of illegal fireworks and greatly improved enforcement and attention by law enforcement to end the use of illegal fireworks.

Thank you,

Dr. John Kercheval

**SB-1305**

Submitted on: 2/9/2019 9:59:03 PM

Testimony for PSM on 2/12/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Celeste Kato	Individual	Support	No

Comments:

I am writing in support of SB1305.

One way to control the use of illegal aerals and bombs is to catch and penalize those that are transporting, selling, or storing the fireworks illegally.

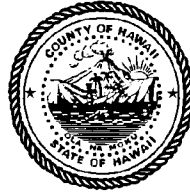
Illegal fireworks wreck havoc on the sanity of the everyday person. There is a time and reason for legal fireworks; you can prepare for and plan for those dates and times. Having bombs go off randomly at all hours of the day, any day of the week is very stressful - not just to people, but to animals. Pets have dies because of the stress caused by the fireworks. New Year's Eve is well known to be the night when most pets go missing. Why do we all have to pay the price for the fun that the inconsiderate and uncaring users of illegal fireworks have? In addition to the stiffer fines proposed in SB670, this bill will help stop the illegals at the source.

Please pass SB1305.

thank you.

Celeste Kato

**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

**LATE**

February 11, 2019

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 219  
Honolulu, Hawai'i 96813

Dear Chair Nishihara:

**Subject: S.B. 1305, RELATING TO FIREWORKS**  
**Hearing Date: Thursday, February 12, 2019**  
**Time/Place of Hearing: 1:15 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 supports SB 1305, which proposes to add two exceptions to the current statute that would allow a law enforcement agency to safely destroy or dispose of confiscated fireworks, provided the law enforcement agency retain a sample of each type of confiscated fireworks for evidentiary purposes.

Allowing our partnering public safety agencies the ability to assist fire departments with the elimination of hazardous fireworks in storage further increases the safety of our community. The HCFD has an established program of fireworks disposal and stands ready to assist law enforcement agencies with proper disposal.

The SFC and the HCFD further supports the bill's proposal to allow the courts to increase penalties based on fireworks quantities seized and assess fines for disposal costs.

Please do not hesitate to call me at 932-2901 or [darren.rosario@hawaiiicounty.gov](mailto:darren.rosario@hawaiiicounty.gov) should you have any questions. Thank you for the opportunity to provide testimony in support of SB 1305.

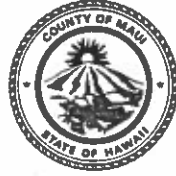
Respectfully,

Handwritten signature of Darren J. Rosario.

DARREN J. ROSARIO  
Fire Chief



MICHAEL VICTORINO  
MAYOR



DAVID THYNE  
FIRE CHIEF

BRADFORD VENTURA  
DEPUTY FIRE CHIEF

COUNTY OF MAUI  
DEPARTMENT OF FIRE & PUBLIC SAFETY

200 DAIRY ROAD  
KAHULUI, HI 96732  
PHONE: (808) 270-7561  
FAX: (808) 270-7919

**LATE**

February 11, 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: Senate Bill (SB) 1305 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 SB 1305, which proposes to add two exceptions to the current statute that would allow a law enforcement agency to safely destroy or dispose of confiscated fireworks, provided the law enforcement agency retain a sample of each type of confiscated fireworks for evidentiary purposes.

Providing law enforcement agencies the ability to dispose or destroy confiscated fireworks should streamline the procedure for law enforcement to eliminate potentially hazardous fireworks from the community and preserve evidence for future prosecution of fireworks violators. The bill also proposes to allow the courts to increase penalties based on fireworks quantities seized and assess fines for disposal costs. Public safety and property protection are primary goals for the county fire departments and we believe this bill enhances law enforcement agency's ability to keep our citizens safe.

The SFC and the MFD urge your committee's support on the passage of SB 1305.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Thyne", written over a circular stamp.

DAVID C. THYNE  
Fire Chief

DCT/LR:clc



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

KILIPAKI VAUGHAN  
DEPUTY FIRE CHIEF

**LATE**

February 11, 2019

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

Aloha Chair Nishihara:

Subject: Senate Bill (SB) 1305 Relating to Fireworks

I am Kilipaki Vaughan, Deputy Fire Chief of the Kauai Fire Department (KFD). The KFD supports SB 1305, which proposes to add two exceptions to the current statute that would allow a law enforcement agency to safely destroy or dispose of confiscated fireworks, provided the law enforcement agency retain a sample of each type of confiscated fireworks for evidentiary purposes.

Providing law enforcement agencies the ability to dispose or destroy confiscated fireworks should streamline the procedure for law enforcement to eliminate potentially hazardous fireworks from the community and preserve evidence for future prosecution of fireworks violators. The bill also proposes to allow the courts to increase penalties based on fireworks quantities seized and assess fines for disposal costs. Public safety and property protection are primary goals for the county fire departments and we believe this bill enhances law enforcement agency's ability to keep our citizens safe.

The KFD urge your committee's support on the passage of SB 1305.







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

**KILIPAKI VAUGHAN**  
DEPUTY FIRE CHIEF

**LATE**

The Honorable Clarence Nishihara; Chair  
Page 2  
February 11, 2019

Should you have questions, please contact me at (808) 241-4980 or via email at [kvaughan@kauai.gov](mailto:kvaughan@kauai.gov)

Ke aloha nui,

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

KV/dag

