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GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON FINANCE  
ON  
HOUSE BILL NO. 2275, H.D. 1

**February 24, 2022**  
**12:30 p.m.**  
**Room 308 and Videoconference**

**RELATING TO FIREWORKS INFRACTIONS**

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2275, H.D. 1, establishes an expeditious adjudication system, similar to the system used for traffic infractions, for the processing of fireworks infractions and makes an unspecified general fund appropriation in FY 23 to the Judiciary to update its information management system to implement the process established by this measure.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

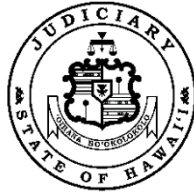
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



*The Judiciary, State of Hawai'i*

**Testimony to the Thirty-First State Legislature, 2022 Regular Session**

**House Committee on Finance**  
Representative Sylvia Luke, Chair  
Representative Kyle T. Yamashita, Vice Chair

February 24, 2022, 12:30 p.m.  
Via Videoconference

by:  
Michelle D. Acosta  
Deputy Chief Court Administrator  
District Court of the First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 2275, H.D. 1 – Relating to Fireworks Infractions

**Purpose:** Establishes an expeditious adjudication system for the processing of fireworks infractions. Appropriates funds. Effective 1/1/2050. (HD1)

**Judiciary's Position:**

The Judiciary appreciates the opportunity to provide comments on this measure. The Judiciary takes no position on the merits of the bill and recognizes the impact of illegal fireworks on the community.

In response to the COVID-19 pandemic, legislation was passed in 2021 to create an "emergency period infraction." Act 185 of the 2021 Legislative Session created the infraction within Section 127A-29, Hawai'i Revised Statutes (HRS), and within Chapter 291D. Expansion of Chapter 291D, rather than the creation of an entirely new chapter, proved to be an effective vehicle for implementation. The approach enabled law enforcement agencies to temporarily utilize traffic infraction citation forms for the issuance of emergency period infractions. The

Testimony for House Bill No. 2275, H.D. 1  
House Committee on Finance  
February 24, 2022, 12:30 p.m.  
Page 2

approach also enabled the Judiciary to adjudicate emergency period infractions in the same manner as traffic infractions. Due to the coordination and collaborative efforts between numerous stakeholders, Act 185 was successfully implemented last year. Based on this experience, the Judiciary believes that the same framework can be used as a guide to achieving a similar fireworks infraction, and suggests that the bill be amended accordingly.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM  
PROSECUTING ATTORNEY

THOMAS J. BRADY  
FIRST DEPUTY  
PROSECUTING ATTORNEY



**THE HONORABLE SYLVIA LUKE, CHAIR**  
**HOUSE COMMITTEE ON FINANCE**  
**Thirty-first State Legislature**  
**Regular Session of 2022**  
**State of Hawai`i**

February 24, 2022

**RE: H.B. 2275, H.D. 1; RELATING TO FIREWORKS INFRACTIONS.**

Chair Luke, Vice-Chair Yamashita, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of H.B. 2275, H.D. 1, with suggested amendments.

The purpose of H.B. 2275, H.D. 1, is to amend certain fireworks offenses to "infractions," which would be non-criminal, non-jailable offenses, punishable by fine. Similar to the "emergency period infractions" created by Act 185 (2021), it appears the proposed "fireworks infractions" would be handled much like traffic tickets. Law enforcement would issue citations to offenders, and offenders would have to pay a fine by mail, contest the charge by mail, or appear before the court to contest the matter. In the latter two options, if a court finds in favor of the State, the offender could then request a "trial de novo." Trial de novo is basically a civil trial in which the State is represented by a prosecutor, who presents witnesses to prove the State's case by a preponderance of the evidence.

Due to serious, ongoing concerns regarding the dangers and nuisance presented by illegal fireworks use, the Department shares the introducers' desire to hold offenders accountable and will continue to do its part in the enforcement process. While it may seem counterintuitive at first, in this instance the Department believes that lowering certain fireworks offenses to an infraction may actually be a more effective enforcement tool for law enforcement than the current misdemeanor-level offenses—given various evidentiary issues that have arisen in court—and thus, the Department is willing to try this new approach to fireworks enforcement. Offenses involving larger amounts of fireworks, or illegal importing or distribution, would continue to be misdemeanors or felonies.

Based on the Department's understanding of this bill, we believe the intent is to allow law enforcement officers to issue citations that are payable by mail, without requiring offenders to appear in court. If this is the intent, we recommend that the Committee either: (1) establish a set fine for these fireworks infractions—as some Mayors have done for emergency period infractions—by amending the range of fines found on page 29, lines 9-11, to a single dollar amount; or (2) require the Judiciary to prescribe a schedule of applicable fines—as is done for traffic infractions—by adding language, similar to HRS §291D-9(b), in proposed §\_\_\_-8 on page 21. Either of these approaches would likely eliminate any need for a court to determine the specific fine in each case cited.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of H.B. 2275, H.D. 1. Thank you for the opportunity to testify on this matter.

HONOLULU FIRE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

636 South Street  
Honolulu, Hawaii 96813-5007  
Phone: 808-723-7139 Fax: 808-723-7111 Internet: [www.honolulu.gov/hfd](http://www.honolulu.gov/hfd)

RICK BLANGIARDI  
MAYOR



SHELDON K. HAO  
FIRE CHIEF

JASON SAMALA  
DEPUTY FIRE CHIEF

February 23, 2022

The Honorable Sylvia Luke, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Luke:

Subject: House Bill (HB) 2275, House Draft (HD) 1 Relating to Fireworks Infractions

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports HB 2275, HD 1, which establishes and appropriates funds for an expeditious adjudication system for the processing of fireworks infractions.

A search of aerial fireworks in Hawaii via a major video-sharing website reveals pervasive use of illegal aerial fireworks in many neighborhoods thereby confirming the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. As a consequence, serious injuries, property damage, and fatalities have occurred.

The HFD supports legislation to enhance and improve the judicial system in prosecuting the illegal use of fireworks.

The general welfare, public safety, and property protection are priorities for the HFD, and we respectfully request your committee's passage of HB 2275, HD 1.

Should you have questions, please contact Administrative Specialist Gary Lum at 808-723-7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

A handwritten signature in blue ink that reads "Sheldon K. Hao".

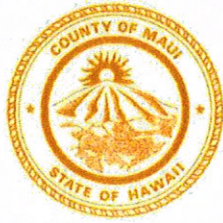
SHELDON K. HAO  
Fire Chief

SKH/GL:cn

**MICHAEL P. VICTORINO**  
Mayor

**BRADFORD K. VENTURA**  
Fire Chief

**GAVIN L.M. FUJIOKA**  
Deputy Fire Chief



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

February 22, 2022

The Honorable Sylvia Luke, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Luke:

Subject: House Bill (HB) 2275, House Draft (HD) 1 Relating to Fireworks Infractions

I am Bradford Ventura, member of the Hawaii State Fire Council (SFC) and Chief for the Maui Fire Department. The SFC supports HB 2275, HD 1, which establishes and appropriates funds for an expeditious adjudication system for the processing of fireworks infractions.

There is a general sense that the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. A search of youtube.com using the term "aerial fireworks Hawaii New Years" reveals pervasive use of illegal aerial fireworks in many neighborhoods. As a consequence, serious injuries, property damage, and fatalities have occurred.

The SFC supports legislation to enhance and improve the judicial system in prosecuting the illegal use of fireworks. The general welfare, public safety, and property protection are priorities for the SFC and we respectfully request your committee's passage of HB 2275, HD 1.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

A handwritten signature in blue ink that reads "Brad Ventura".

**BRADFORD K. VENTURA**  
Fire Chief



**HB-2275-HD-1**

Submitted on: 2/22/2022 6:39:25 PM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mike Moran	Kihei Community Association (KCA)	Support	No

Comments:

Aloha Chair and committee members

We ask for your support on this measure

Mahalo

Mike Moran for KCA



## Hawaiian Humane Society

People for animals. Animals for people.

2700 Waiialae Avenue Honolulu, Hawaii 96826  
808.356.2200 • [HawaiianHumane.org](http://HawaiianHumane.org)

Date: Feb. 23, 2022

To: Chair Rep. Sylvia Luke  
Vice Chair Rep. Kyle T. Yamashita  
and Members of the Committee on Finance

Submitted By: Stephanie Kendrick, Director of Community Engagement  
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of HB 2275, HD1: Relating to Fireworks Infractions  
Thursday, Feb. 24, 2022, 12:30 p.m., Via Videoconference

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Aloha Chair Luke, Vice Chair Yamashita and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 2275, HD1, which establishes an expeditious adjudication system for the processing of fireworks infractions and appropriates funds.

Hawaiian Humane supports any attempt to remove fireworks from residential neighborhoods by keeping these dangerous products out of our state entirely and/or enhancing enforcement. At what should be joyous times for local families, illegal fireworks fill our neighborhoods with unexpected explosions that terrorize pets and people alike.

Animals who flee their homes in fear are at enormous risk of injury and death. An average of 8 stray dogs per day came into the Hawaiian Humane Society in 2021. As the new year arrived, that number spiked to 36 between Jan. 1-2. Hawaiian Humane has long educated our community about keeping pets safe from the terror of fireworks around New Years and July 4, but these bombs increasingly go off for months at a time. That makes it impossible for pet owners to prepare and creates sustained stress on people and animals, which can do lasting damage to their emotional and physical health. Neither people nor animals should have to take tranquilizers just to survive the impacts of illegal behavior by their neighbors.

We urge the committee to restore peace and safety to our neighborhoods and leave fireworks displays to the professionals. Mahalo for your consideration.

**HB-2275-HD-1**

Submitted on: 2/22/2022 11:42:12 AM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
lynne matusow	Individual	Support	No

Comments:

I am in full support. Anything that can stop the fireworks terrorists from causing harm to our lives, our property, our well being, our pets, our eardrums, etc. is a needed step in the right direction.

**HB-2275-HD-1**

Submitted on: 2/22/2022 4:09:46 PM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lynn Murakami Akatsuka	Individual	Support	No

Comments:

Dear Members of the House Committee on Finance,

I strongly support the passage of HB 2275, HD1 this legislative session. This is another enforcement strategy to deal with fireworks violators to be made accountable with legal consequences on a timely basis.

Thank you for the opportunity to testify in support of HB 2275, HD 1.

**HB-2275-HD-1**

Submitted on: 2/22/2022 4:22:03 PM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Luke, Vice Chair and members,

Strong support. Hopefully this will help stop the constant noise in our neighborhoods.

Mahalo,

Ann S. Freed in Mililani

**HB-2275-HD-1**

Submitted on: 2/22/2022 10:40:23 PM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Vijak Ayasanonda	Individual	Support	No

Comments:

As a full time resident, fireworks in my neighborhood have caused damage, noise pollution and not to mention the trauma to my dogs and cat. My other neighbors who do not participate also find the few individuals blatantly disregarding noise, time or use of illegal fireworks. Police even when called refuse to do anything about it as they say even my video evidence is insufficient for them to cite or arrest or confiscate the offender.

**HB-2275-HD-1**

Submitted on: 2/23/2022 9:41:54 AM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kristin Mills	Individual	Support	No

Comments:

I am a resident in Pukalani and am in strong support of HB2275. We need more stringent laws and penalties around noise pollution. Every big holiday especially, there is excessive and very loud fireworks, and most likely, illegal fire crackers late into the night. Pukalani sounds like a war zone and it's especially not healthy for pets and for people experiencing PTSD around loud noise.

Please support HB2275.

Mahalo, Kristin Mills

**HB-2275-HD-1**

Submitted on: 2/23/2022 11:20:42 AM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gary J Mooers	Individual	Support	No

Comments:

Aloha Kyle,

I understand that you are involved in fireworks control for our County. I am so thankful that our elected officials are finally listening to the people who elected them.

Fireworks are such a nuisance, especially the loud ones. I am not a veteran, but I can't imagine how traumatic it must be for people who made the sacrifice to defend our nation, only to come home with PTSD which is re-ignited every time one of those "bombs" go off in the air. To me, that is the #1 reason why these fireworks are wrong to allow for another minute.

Another reason is our pets. Numerous pets are so traumatized that they run away from their home, trying to get away from the noise. Often this results in serious injury or death to our pets.

Least in importance, but still paramount in importance to me and my family, is the disturbance to our right to enjoy our home peacefully.

We love to watch fireworks shows, when we go to a fireworks show. We never asked for this loud invasive situation that we face every New Years and Independence Day.

Maui should make noise disturbance laws, and enforce them! The same is true for modified exhaust on vehicles all over the island. A policeman on the radio told me the reason we don't have noise ordinances is because they cannot afford the equipment to measure the decibel level of the noise. We are not a 3rd-world country, to allow this is a travesty.



To that end, without a judiciary system that actually enforces the laws, our system must be streamlined with hefty fines that are enforced by warrants for arrest when payment is not made. We have streamlined the process for driving violations, we can use that same process for fireworks violations.

I look forward to seeing progress made in civilizing our beautiful island.

**HB-2275-HD-1**

Submitted on: 2/23/2022 2:37:52 PM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Beverly Heiser	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

Please support HB2275.

I have joined a forum called STOP All (Illegal) Fireworks that was formed on a social networking service for neighborhoods called NextDoor. The group currently has 94 members.

My family does NOT do fireworks of any kind. Yet every New Year's day DEBRIS from ILLEGAL fireworks from New Year's Eve lay scattered over our entire yard. Some land on our roof and wash down our gutters. I have dogs and these debris contain TOXIC chemicals that can cause illness if ingested. Thus I spend hours cleaning up the mess.

These toxic chemicals that often contain heavy metals are being dispersed in our environment and pollute our air, water, and soil. They cause harm to people, pets, and wildlife.

The problem has increased over the years and is out of control. There is increased noise and life changing injuries. Tradition should not sound or look like a war zone.

I favor a TOTAL BAN on all types of fireworks, but at the least this type of ILLEGAL activity should be stopped.

Thank you for letting me testify. Please support HB2275.

**HB-2275-HD-1**

Submitted on: 2/23/2022 4:20:24 PM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Stanley Hanakawa	Individual	Support	No

Comments:

We want to ban the use of all fireworks due to the non-control of the illegal uses of aerial bomb and fireworks!!! I have called 911 two to three times a day from November to December and NO ENFORCEMENT WAS ENFORCED!!! BOMBS KEPT ON GOING ON!!!

Stanley Hanakawa

**HB-2275-HD-1**

Submitted on: 2/23/2022 5:04:08 PM

Testimony for FIN on 2/24/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Samuel Mitchell	Individual	Support	No

Comments:

I support HB-2275 HD1 Because it allows concurrent civil trials in the district or family courts for illegal firework cases.

Samuel Mitchell Makiki NB-10 & Pau Firework Now