

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
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April 1, 2022

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

Dear Chair Luke:

Subject: Senate Bill (SB) 2185, Senate Draft (SD) 3, House Draft (HD) 1, Relating to
Fireworks

I am Steven Goble, Chair of the Hawaii State Fire Council (SFC). The SFC supports SB 2185, SD 3, HD 1, which requires the auditor of fireworks and articles pyrotechnic records for each county fire department to submit an annual report to the Legislature detailing inventory, recordkeeping, and sales of fireworks to license or permit holders. It also makes a grant-in-aid to the counties to cover costs associated with reporting the information to the Legislature

The SFC believes the consumer use of illegal fireworks in Hawaii continues on a dangerous and increasingly upward trajectory. The SFC agrees to the reporting requirements SB 2185, SD 3, HD 1, to increase surveillance of fireworks and articles pyrotechnic with the ultimate goal of reducing the use of legal and illegal fireworks throughout communities in Hawaii.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

Handwritten signature of Steven Goble.

STEVEN GOBLE
Chair

SG/GL

DAVID Y. IGE
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
SENATE BILL NO. 2185, S.D. 3, H.D. 1

April 4, 2022
2:30 p.m.
Room 308 and Videoconference

RELATING TO FIREWORKS

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

Senate Bill No. 2185, S.D. 3, H.D. 1, requires the auditor of fireworks and articles pyrotechnic records to provide an annual report to the Legislature detailing inventory, recordkeeping, and sales of fireworks to license or permit holders. This measure also makes an unspecified general fund grant-in-aid to the counties to cover reporting costs.

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:

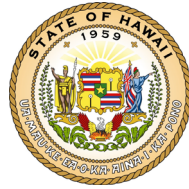
- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level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

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
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April 1, 2022

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Committee on Finance
House of Representatives
State Capitol, Room 306
Honolulu, Hawaii 96813

Dear Chair Luke:

Subject: Senate Bill (SB) 2185, Senate Draft (SD) 3, House Draft (HD) 1, Relating to
Fireworks

I am Steven Goble, Chair of the Hawaii State Fire Council (SFC). The SFC supports SB 2185, SD 3, HD 1, which requires the auditor of fireworks and articles pyrotechnic records for each county fire department to submit an annual report to the Legislature detailing inventory, recordkeeping, and sales of fireworks to license or permit holders. It also makes a grant-in-aid to the counties to cover costs associated with reporting the information to the Legislature

The SFC believes the consumer use of illegal fireworks in Hawaii continues on a dangerous and increasingly upward trajectory. The SFC agrees to the reporting requirements SB 2185, SD 3, HD 1, to increase surveillance of fireworks and articles pyrotechnic with the ultimate goal of reducing the use of legal and illegal fireworks throughout communities in Hawaii.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

Handwritten signature of Steven Goble.

STEVEN GOBLE
Chair

SG/GL

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

RICK BLANGIARDI
MAYOR



SHELDON K. HAO
FIRE CHIEF

JASON SAMALA
DEPUTY FIRE CHIEF

April 1, 2022

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

Dear Chair Luke:

Subject: Senate Bill (SB) 2185, Senate Draft (SD) 3, House Draft (HD) 1 Relating to
Fireworks

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports SB 2185, SD 3, HD 1, which requires the auditor of fireworks and articles pyrotechnic records for each county fire department to submit an annual report to the legislature detailing inventory, recordkeeping, and fireworks sales to license or permit holders. It also makes a grant-in-aid to the counties to cover costs associated with reporting the information to the legislature

The HFD believes the consumer use of illegal fireworks in Hawaii continues on a dangerous and increasingly upward trajectory. The HFD agrees with the reporting requirements set forth in SB 2185, SD 3, HD 1 to increase surveillance of fireworks and articles pyrotechnic with the ultimate goal of reducing the use of legal and illegal fireworks throughout communities in Hawaii.

Should you have questions, please contact Administrative Specialist Gary Lum at 808-723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in cursive script 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

April 1, 2022

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

Dear Chair Luke:

**SUBJECT: SENATE BILL (SB) 2185, SENATE DRAFT (SD) 3, HOUSE DRAFT (HD) 1,
RELATING TO FIREWORKS**

I am Bradford K. Ventura, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC supports SB 2185, SD 3, HD 1, which requires the auditor of fireworks and articles pyrotechnic records for each county fire department to submit an annual report to the Legislature detailing inventory, recordkeeping, and sales of fireworks to license or permit holders. It also makes a grant-in-aid to the counties to cover costs associated with reporting the information to the Legislature

The SFC believes the consumer use of illegal fireworks in Hawaii continues on a dangerous and increasingly upward trajectory. The SFC agrees to the reporting requirements SB 2185, SD 3, HD 1, to increase surveillance of fireworks and articles pyrotechnic with the ultimate goal of reducing the use legal and illegal fireworks throughout communities in Hawaii.

If you have questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or glum@honolulu.gov.

Sincerely,

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

BRADFORD K. VENTURA
Fire Chief

Hawaii Explosives & Pyrotechnics, Inc.

P.O. Box 1244
Keaau, HI 96749-1244
hepinc@hipyro.com
(808) 968-0600



Ms. Sylvia Luke
Finance Committee
House of Representatives
State Capitol, Room 306
Honolulu, HI 96813

Re: House Bill 2185, Relating to Fireworks

Dear Chair Luke and members of the committee,

As a licensed professional fireworks display company, we would like to express our concerns with House Bill 2185, Relating to Fireworks.

To begin, we would like to state that we strongly support any legislation that would suppress the illegal sale and use of aerial fireworks by the general public. We are acutely aware of the dangers posed by those not specifically trained in their proper handling and operation. We encourage the legislature to explore and implement any reasonable method that reduces the misuse of these devices.

As the premiere provider of pyrotechnic displays in Hawaii, we have been subject to the routine auditing of our inventory of fireworks and pyrotechnic devices by the counties for over 15 years as required under HRS§132D-11. We are quite confident that any inventory-related report of our activities that would be provided to the legislature will demonstrate the source of the trade in illicit fireworks is not those of us who legally import fireworks into Hawaii.

We do have real concerns with the bill in its current form. The first has to do with the open nature of the amendment to HRS§132D. As currently written, the annual reports would be required to be submitted in perpetuity. If, as we anticipate, the auditor reports demonstrate compliance by duly licensed entities, what ongoing purpose will the annual reports serve? Couldn't this goal be accomplished by requesting existing records and testimony from the auditors? After all, if the auditors were detecting routine non-compliance, wouldn't they already be forwarding complaints to the police or attorney general for enforcement?

The bill does however request appropriations for the submission, but only for the 2022-2023 FY. This means that to ensure compliance, the county agencies are going to have to request funding every subsequent year. This seems to be an overly burdensome request. It also does

not make sense to increase the licensing and/or permitting fees for the legal use of fireworks as this unfairly burdens the entities who finance public displays, many of whom are community groups who support the activity through fundraising. Public displays conducted by licensed professionals represent the safest alternative to illicit “backyard” shows. Likewise, the licensed entities that import and sell “safe-and-sane” legal fireworks are offering the public safer alternatives to the illegal and dangerous aerals on the balck market.


It is not clear to us what exactly this amendment will do to alleviate the problem of the illegal use of aerial fireworks by the general public. The reports will shed no light whatsoever on the illegal importation of fireworks. Yes, they could provide a little more information to lawmakers—again, in our opinion, demonstrating where the problem *isn't*—but the bill does not address what will be done with the information after receipt. The only realistic outcome is that it will inform additional legislation, which is by design a slow, deliberative process. It seems to us there are better, more economical methods the legislature could use to obtain the desired data.

Given the above issues, we are left to wonder why the legislature wouldn't just requisition a single study, derived from the abundance of existing historical data from the county agencies, and use that to inform future legislation? This would seem to only require a single appropriation. If ongoing information gathering was subsequently determined to be useful, the legislature could then deliberate on a method in which to receive regular periodic reports from the relevant agencies, and determine whether those reports should be directed towards an appropriate executive agency for further action. From our perspective, the bill in its current form does nothing to address the problem of the illicit fireworks trade and does not provide any additional oversight, enforcement or control mechanisms.

It seems to us that SB1285 is a solution in search of a problem. It adds no real benefits towards enforcement of existing law. Instead, it diverts public funds away from other potentially more fruitful endeavors such as interdiction and prevention, which is ultimately the area where this problem needs to be resolved.

Thank you for your careful consideration of these factors. We are always happy to answer any questions you may have related to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Albrecht", with a stylized flourish at the end.

Bruce Albrecht
Operations Manager
Hawaii Explosives & Pyrotechnics, Inc.
(808)968-0600

SB-2185-HD-1

Submitted on: 4/1/2022 1:03:48 PM

Testimony for FIN on 4/4/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Fire Works should not be a Priority and we should not be putting any of our Taxe payer moneys in to this at all.!

SB-2185-HD-1

Submitted on: 4/1/2022 4:55:48 PM

Testimony for FIN on 4/4/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel M Mitchell	Individual	Support	Written Testimony Only

Comments:

I support SB2185 SD3 HD1: Because some of Hawaii's illegal skyrocketers are being ship to Honolulu with loads of legal firecrackers and other equipment. By having a better inventory of the shipping records we should will be able to stop this.

Samuel Mitchell (Member Makiki NB-10 & Nextdoor Stop all illegal Fireworks Group)

SB-2185-HD-1

Submitted on: 4/2/2022 10:02:27 AM

Testimony for FIN on 4/4/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

I am in support SB2185 SD3, HD1 that requires the auditor of fireworks and articles pyrotechnic records for each county fire department to submit to the legislature an annual report detailing inventory, recordkeeping, and sales of fireworks to license or permit holders. Makes grants-in-aid to the counties to cover costs associated with reporting the information to the legislature.

If anything this would provide the legislature a good idea of the amount of fireworks coming in to Oahu and being sold and if there are notable increases.

Senate Bill 3194 SD2 is an excellent multifaceted bill that was also passed to the House and referred to the Finance Committee that I was hoping would have earned a hearing. This bill would strengthen enforcement, increase penalties for removing or extracting pyrotechnic contents, establish an explosion detection tech working group and develop a web-based reporting tool. This and bills that would allow some type of inspection of containers are what people have been wanting for years.

As evidenced by complaints throughout the year of loud bombs going off during football games, parties, or for no reason at all it becomes obvious that people are storing fireworks in their homes. I would bet that some are also making their own explosive devices and that fireworks or kits and chemicals are coming in through the U.S. Post Office.

The Environment, Health, Safety and Protection of the Community should always be of utmost concern. It is such a hypocrisy that we push for energy efficiency, solar panels, electric vehicles, and worry about global warming while ignoring fireworks that is a major contributor. Just imagine those aerial fireworks landing on solar panels, organic gardens, and creating acid rain.

Individuals who have voiced frustrations and are seeking resolution have formed a group on the social networking neighborhood platform NextDoor called "STOP All (Illegal) Fireworks" aka "Pau Fireworks Now".

Thank you for allowing me to testify and provide comments.