

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
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March 16, 2022

The Honorable Aaron Ling Johanson, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 436
Honolulu, Hawaii 96813

Dear Chair Johanson:

Subject: Senate Bill (SB) 3194, Senate Draft (SD) 2, Relating to the Enforcement of Laws

I am Steven Goble, Chair of the Hawaii State Fire Council (SFC). The SFC supports SB 3194, SD 2, which establishes an expeditious adjudication system for the processing of fireworks infractions and increases the fine for certain fireworks violations.

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 SB 3194, SD 2.

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

Sincerely,

A handwritten signature in black ink, appearing to read "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 CONSUMER PROTECTION & COMMERCE
ON
SENATE BILL NO. 3194, S.D. 2

March 17, 2022
2:00 p.m.
Room 329 and Videoconference

RELATING TO THE ENFORCEMENT OF LAWS

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

Senate Bill No. 3194, S.D. 2, sets forth alternative enforcement mechanisms to promote compliance with the fireworks control law and establishes an expeditious adjudication system for the processing of fireworks infractions.

In addition to increasing the fine for certain fireworks violations and clarifying what constitutes a separate violation, more specifically this measure: 1) incorporates the new fireworks citations into the existing traffic and emergency order citation systems under Chapter 291D, HRS; 2) implements the recommendations of the 2010 Illegal Fireworks Task Force; 3) authorizes the Sheriff Division of the Department of Public Safety (PSD) to enforce fireworks laws; 4) requires the Attorney General to establish an explosion detection technology working group; and 5) requires PSD to develop and implement a web-based tool for citizens to report illegal fireworks that provides county law enforcement with additional data to enforce the applicable fireworks laws.

This bill makes unspecified general fund appropriations in FY 23 for the Judiciary to update the Judiciary's information management system to implement the adjudication process established in this bill and for PSD to develop and implement a statewide web-based reporting tool for illegal fireworks.

B&F notes that, with respect to the general fund appropriations 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 Consumer Protection & Commerce

Representative Aaron Ling Johanson, Chair

Representative Lisa Kitagawa, Vice Chair

Thursday, March 17, 2022, 2:00 p.m.
Conference Room 329 & Via Videoconference

WRITTEN TESTIMONY ONLY

By:

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

Bill No. and Title: Senate Bill No. 3194, S.D. 2, Relating to the Enforcement of Laws.

Purpose: Establishes an expeditious adjudication system for the processing of fireworks infractions. Increases the fine for certain fireworks violations. Clarifies what constitutes a separate violation. Increases the penalty for removing or extracting pyrotechnic contents. Authorizes the Sheriff Division to enforce the fireworks control law. Requires the Attorney General to establish an explosion detection technology working group. Requires the Department of Public Safety to develop and implement a web-based reporting tool for illegal fireworks. Appropriates moneys. Effective 7/30/2075. (SD2)

Judiciary's Position:

The Judiciary takes no position as to the merits of this bill. The Judiciary believes that as drafted S.D. 2 will provide the court with the necessary framework to process fireworks infractions, but would like to highlight one area that may need more clarification.

In section 5 as amended would allow fees pursuant to section 291D-9 to be deposited into the judiciary computer system special fund. However, as currently written, Hawai'i Revised Statute § 291D-9 does not have an established fee or the ability for the court to establish a fee that could be deposited into the judiciary computer system special fund. The Judiciary suggests



the following language from Senate Bill No. 3194, page 25, lines 20-21 and page 26, lines 1-7 be inserted into the bill in Section 5:

“The administrative costs of \$20 for each instance of noncompliance with a rule associated with the processing of fireworks infractions, in addition to any monetary assessment imposed by the court, regardless of whether the monetary assessment is suspended.

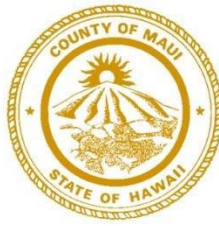
The clerk of the district court shall deposit the administrative costs collected into the judiciary computer system special fund pursuant to section 601-3.7.”

Thank you for the opportunity to testify on this measure.

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

March 16, 2022

The Honorable Aaron Ling Johanson, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 436
Honolulu, Hawaii 96813

Dear Chair Johanson:

**SUBJECT: SENATE BILL (SB) 3194, SENATE DRAFT (SD) 2, RELATING TO THE
ENFORCEMENT OF LAWS**

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 3194, SD 2, which establishes an expeditious adjudication system for the processing of fireworks infractions and increases the fine for certain fireworks violations.

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 SB 3194, SD 2.

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

Sincerely,

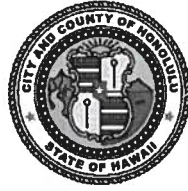
A handwritten signature in black ink, appearing to read "Brad Ventura".

BRADFORD K. VENTURA
Fire Chief

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

March 16, 2022

The Honorable Aaron Ling Johanson, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 436
Honolulu, Hawaii 96813

Dear Chair Johanson:

Subject: Senate Bill (SB) 3194, Senate Draft (SD) 2 Relating to the Enforcement of Laws

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports SB 3194, SD 2, which establishes an expeditious adjudication system for the processing of fireworks infractions and increases the fine for certain fireworks violations.

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 SB 3194, SD 2.

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

Sincerely,

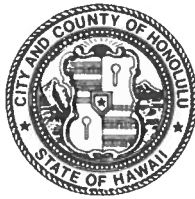
A handwritten signature in blue ink that reads "Sheldon K. Hao".

SHELDON K. HAO
Fire Chief

SKH/GL:cn

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI
MAYOR

RADE K. VANIG
INTERIM CHIEF

OUR REFERENCE **GB-RG**

March 17, 2022

The Honorable Aaron Ling Johanson, Chair
and Members
Committee on Consumer Protection & Commerce
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair Johanson and Members:

SUBJECT: Senate Bill No. 3194, S.D. 2, Relating to the Enforcement of Laws

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

The HPD opposes Senate Bill No. 3194, S.D. 2, Relating to the Enforcement of Laws.

The HPD recognizes that the use of fireworks poses a serious public health and safety hazard and we are in support of laws to address fireworks issues. We have concerns about requiring the Department of the Attorney General to establish an explosion detection technology working group that would include the HPD.

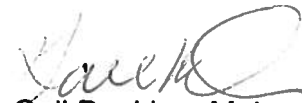
This bill will require the HPD to be part of developing and implementing a statewide web-based reporting tool for the enforcement of illegal fireworks. There are just too many fireworks being set off throughout the island and it would overburden the patrol districts. This bill will also require additional resources from the HPD to be part of this working group to track and monitor the reporting system, report the fireworks to the Communications Division, and check on the area where the fireworks were detected. These are resources that we currently do not have.

The Honorable Aaron Ling Johanson, Chair
and Members
March 17, 2022
Page 2

The HPD respectfully opposes Senate Bill No. 3194, S.D. 2, Relating to the
Enforcement of Laws.

Thank you for the opportunity to testify.

Sincerely,



Gail Beckley, Major
District 8

APPROVED:



Rade K. Vanic
Interim Chief of Police



Hawaiian Humane Society

People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: March 16, 2022

To: Chair Rep. Aaron Ling Johanson
Vice Chair Rep. Lisa Kitagawa
and Members of the Committee on Consumer Protection and Commerce

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

RE: Testimony in support of SB 3194, SD2: Relating to the Enforcement of Laws
Thursday, March 17, 2022, 2:00 p.m., Room 329 and Videoconference

Aloha Chair Johanson, Vice Chair Kitagawa and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 3194, SD2, which establishes an expeditious adjudication system for the processing of fireworks infractions, increases the fireworks display permit fee and the fine for certain fireworks violations, clarifies what constitutes a separate violation, increases the penalty for removing or extracting pyrotechnic contents, authorizes the Sheriff Division to enforce the fireworks control law, requires the Attorney General to establish an explosion detection technology working group, and requires the Department of Public Safety to develop and implement a web-based reporting tool for illegal fireworks.

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, but we particularly like this bill. It takes a multifaceted approach to this complex issue and seems extremely well considered in its strategies.

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, doing 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 pass SB3194, SD2. Mahalo for your consideration.

SB-3194-SD-2

Submitted on: 3/15/2022 3:10:12 PM

Testimony for CPC on 3/17/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

Please enforce the illegal firework laws.

SB-3194-SD-2

Submitted on: 3/15/2022 5:42:35 PM

Testimony for CPC on 3/17/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel M Mitchell	Individual	Support	Remotely Via Zoom

Comments:

I 100% support SB3194 SD2 Because it makes it simpler to prosecute illegal fireworks users.

Samuel Mitchell (Member Makiki NB-10 & Nextdoor Stop all illegal fireworks group)

SB-3194-SD-2

Submitted on: 3/15/2022 9:20:09 PM

Testimony for CPC on 3/17/2022 2:00:00 PM

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

Comments:

Aloha Chair and Committee Members,

I strongly support SB3194 SD2 that allows an expeditious adjudication system for fireworks infractions similar to traffic infractions. The details of the bill describing enforcement, clarifying violations and fines, establishing an explosion detection task force and a web-based reporting tool is one of the better bills I have seen this session. Anything that can deter and stop the use of illegal fireworks is appreciated.

Aerial types of fireworks were banned in 2011. This is not just about a few individuals using fireworks during unauthorized times that is a nuisance but also the many island-wide using illegal fireworks during New Year's Eve.

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 gutters. I have dogs and TOXIC chemicals from debris can cause illness or injury if ingested. Thus I spend hours cleaning up the mess.

Toxins and heavy metals that are dispersed from fireworks in our environment also pollute our air, water, and soil. Much of the debris are not biodegradable. They cause harm to people, pets, and wildlife.

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

I favor a TOTAL BAN on all types of fireworks except by permit for cultural or religious reasons but at the least this type of ILLEGAL activity should be stopped.

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. Please help to advance this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

STEVEN S. ALM
PROSECUTING ATTORNEY

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

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY



LATE

THE HONORABLE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Thirty-First State Legislature
Regular Session of 2022
State of Hawai'i

March 17, 2022

RE: S.B. 3194, S.D. 2; RELATING TO THE ENFORCEMENT OF LAWS.

Chair Johanson, Vice Chair Kitagawa, and members of the House Committee on Consumer Protection & Commerce, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 3194, S.D. 2.

If passed, S.B. 3194, S.D. 2, would implement a multi-faceted approach to increasing the State's enforcement against illegal fireworks, including a working group and proposed technology to further improve interagency cooperation.

While it may seem counterintuitive to lower the severity of certain illegal fireworks offenses—in order to increase enforcement—the Department believes that this may actually be a more effective enforcement tool for law enforcement, in this instance, than the current misdemeanor-level fireworks offenses. Given various evidentiary issues that have arisen in court, the Department is willing to try this new approach to fireworks enforcement, so long as offenses involving larger amounts of fireworks, and illegal importation or distribution, continue to be misdemeanors or felonies.

With regards to the specific offenses that could be handled under the proposed adjudication procedures—as fireworks infractions—the Committees may want to consider an alternative approach. Rather than encompassing all fireworks offenses of an unspecified severity (see page 7, lines 1-6), perhaps a third—lighter—weight-class could be established under HRS §132D-14(a)(2) (see page 5, line 11, through page 6, line 6), as those appear to be most amenable to an infraction-level offense. In general, HRS §132D-14(a)(2) prohibits:

- Purchasing, possessing, setting off, igniting or discharging aerial devices, display fireworks, or articles pyrotechnic without a valid permit...
- [S]toring, selling, or possessing aerial devices, display fireworks, or articles pyrotechnic without a valid license...or
- [A]llowing an individual to possess, set off, ignite, or otherwise cause to explode any aerial device...

The Department does note that “selling” aerial devices, display fireworks, or articles pyrotechnic without a license seems more appropriately classified as a misdemeanor or felony offense, even though it is currently included under HRS §132D-14(a)(2), but that would be a matter of policy.

Due to serious, ongoing concerns regarding the dangers and nuisance presented by illegal fireworks in our communities, the Department shares the Committees’ desire to hold offenders accountable and will continue to do its part in the enforcement process. In general, the Department is very open to discussing new approaches or even new technology that may improve upon enforcement mechanisms, and is always happy to work with other stakeholders in this regard.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** the passage of S.B. 3194, S.D. 2, Thank you for the opportunity to testify on this matter.

SB-3194-SD-2

Submitted on: 3/16/2022 2:00:49 PM

Testimony for CPC on 3/17/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Maureen Andrade	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill.

SB-3194-SD-2

Submitted on: 3/16/2022 9:00:17 PM

Testimony for CPC on 3/17/2022 2:00:00 PM

LATE

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

Comments:

Fire works is part of Hawaii !! Stop Scrueing the people of Hawaii!!