

Honolulu, Hawaii

Feb 26, 2010

RE: S.B. No. 1059
S.D. 2
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1059, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this bill is to address the problem of illegal fireworks by:

- (1) Establishing an Illegal Fireworks Task Force (Task Force) to develop a plan to stop the importation of illegal fireworks and a strategy to ensure the safety and security of facilities and institutions in Hawaii; and
- (2) Providing that county laws regulating fireworks must be consistent with or stricter than State laws regulating fireworks.

The State Fire Council (SFC), Honolulu Fire Department, Hawaii County Fire Department, County of Maui Department of Fire and Public Safety, Kauai Fire Department, American Lung Association in Hawaii, and several concerned individuals testified in support of this bill. The Legislative Information Services of Hawaii and a concerned individual provided comments.



The proliferation of illegal fireworks and the potential danger to public safety these illegal devices present require that thoughtful and deliberate action be taken to prevent the importation of these devices. Establishing a Task Force to develop a plan to stop the importation of illegal fireworks will address the problem at its source, which should result in a decrease in these devices being used by individual consumers.

However, your Committee has concerns that allowing counties to adopt differing ordinances may eliminate consistency throughout the state and result in problems that necessitated the establishment of a state fireworks law several years ago. Your Committee believes that any substantive changes to Hawaii's laws should first be considered by the Task Force created by this measure before they are acted upon by the Legislature.

Your Committee has amended this bill by:

- (1) Establishing the Task Force within SFC rather than the State Department of Transportation (DOT) and requiring SFC to provide administrative support to the Task Force rather than DOT;
- (2) Stipulating that, initially, the Chair of SFC shall serve as the Interim Chair of the Task Force and that upon the appointment of the last member to the Task Force, members of the Task Force shall select a new chair from among their membership;
- (3) Expanding the membership of the Task Force to include:
 - (A) Representatives of the Prosecuting Attorney's offices of the City and County of Honolulu, Maui County, Kauai County, and Hawaii County; and
 - (B) Two members from the fireworks industry;
- (4) Correcting the dates the Task Force shall meet to reflect the change in the calendar year from 2009 to 2010;
- (5) Correcting the date for the submittal of the preliminary plan and strategy report by the Task Force to the Legislature from January 10, 2010, to January 10, 2011;



- (6) Deleting language providing the counties with the ability to adopt laws regulating fireworks that are stricter than State laws regulating fireworks; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1059, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1059, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


JON RIKI KARAMATSU, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB1059, SD2, HD1	Committee Referral: PBS/TRN, JUD	Date: 2/23/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	✓			
2. ITO, Ken (VC)	✓			
3. BELATTI, Della Au		✓		
4. CABANILLA, Rida	✓			
5. CARROLL, Mele		✓		
6. HERKES, Robert N.				✓
7. LUKE, Sylvia		✓		
8. McKELVEY, Angus L.K.	✓			
9. MIZUNO, John M.	✓			
10. MORITA, Hermina M.				✓
11. OSHIRO, Blake K.	✓			
12. SOUKI, Joseph M.	✓			
13. TSUJI, Clift	✓			
14. WAKAI, Glenn		✓		
15. MARUMOTO, Barbara C.			✓	
16. THIELEN, Cynthia		✓		
TOTAL (16)	8	5	1	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="margin-left: 100px; font-size: small;">_____ committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				