

Honolulu, Hawaii

FEB 08 2010

RE: S.B. No. 2052
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Public Safety and Military Affairs and Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 2052 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

beg leave to report as follows:

The purpose of this measure is to amend the fireworks law by:

- (1) Establishing a surcharge on the sale of consumer fireworks to be collected by the Department of Taxation;
- (2) Clarifying the definition of "cultural" to include religious events held in the State;
- (3) Deleting the purchase limit on the amount of consumer fireworks allowed under each permit;
- (4) Increasing the permit fees and directing that those fees be credited to the county that collected the fees;
- (5) Increasing the penalty for violation of the fireworks law and directing the transfer of fees collected into the general fund; and
- (6) Requiring the State Fire Council to conduct a study of the negative effects of fireworks use in the State, including the costs thereof to public agencies in responding to fireworks incidents.



Your Committees received testimony in support of this measure from two government agencies, one neighborhood board, one community nonprofit organization, and two individuals. Comments were received from one individual. Testimony in opposition was received from one state department and one private entity. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that an inordinate amount of illegal fireworks were set off during the recent New Year's holiday celebration, particularly loud "bombs" and aerial fireworks. Testimony indicated that it is difficult to determine which fireworks are obtained illegally without a permit and which are homemade or otherwise modified and made illegal. The situation makes enforcement all the more difficult. To the extent that this measure is intended to increase fireworks permit fees, it is hoped that this may serve as a measure of deterrence without banning fireworks at least for now.

Your Committees defer to the Committee on Ways and Means to insert the appropriate permit fee amount. Your Committees urge that the amount of the fee be sufficiently high to serve as a deterrent and as a source of revenue for county law enforcement efforts.

Your Committees have amended this measure by:

- (1) Deleting the Department of Taxation surcharge on the sale of fireworks;
- (2) Leaving blank the amount to be charged for permit fees and graduated surcharge fees for purchase;
- (3) Earmarking the permit and graduated surcharge fees for use by the county for law enforcement purposes;
- (4) Deleting the study to be conducted by the State Fire Council;
- (5) Changing the effective date to July 1, 2050 for purposes of facilitating further discussion; and
- (6) Making technical, nonsubstantive amendments.



As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2052, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2052, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Public Safety and Military Affairs and Transportation, International and Intergovernmental Affairs,



J. KALANI ENGLISH, Chair




WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

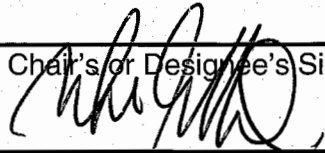
Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* SB 2052	Committee Referral: PSM/TIA, WAM	Date: 1/15/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	X			
BUNDA, Robert (VC)		X		
ENGLISH, J. Kalani	X			
GABBARD, Mike	X			
GALUTERIA, Brickwood		X		
KIDANI, Michelle N.		X		
HEMMINGS, Fred			X	
TOTAL	3	3	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:* SB 2052	Committee Referral: PSM/TIA, WAM	Date: 1-27-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam				✓
TOTAL	3	-	-	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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