

Honolulu, Hawaii

March 12, 2010

RE: S.B. No. 2936
S.D. 1
H.D. 1

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

Sir:

Your Committees on Transportation and Public Safety, to which was referred S.B. No. 2936, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS,"

beg leave to report as follows:

The purpose of this bill is to provide for the safety and security of Hawaii by:

- (1) Providing the Department of Defense (DOD), Department of Transportation (DOT), and Department of Agriculture (DOA) with the express statutory authority to inspect shipping containers at any commercial harbor;
- (2) Allowing DOD, DOT, and DOA to open any shipping container to detect and confiscate explosives or other material constituting a threat directly or indirectly to the security of life and property;
- (3) Allowing DOD, DOT, and DOA to collaborate with any federal, state, or county agency to carry out these inspections; and
- (4) Establishing DOD as the lead agency among state agencies responsible for coordinating the inspection of shipping containers.



DOA, Legislative Information Services of Hawaii, and several concerned individuals testified in support of this bill. DOT provided comments.

As an island state, Hawaii relies almost exclusively on its harbors and the shipping industry for the necessary products, food, and supplies which are used by residents and visitors alike on a daily basis. Therefore, the security of Hawaii's harbors are of the utmost importance for the protection of our safety and security. Since almost every product entering our state makes its way into these islands via the harbor system, vigilant inspection of the over one million shipping containers entering our harbors each year is a major element in protecting our State.

However, your Committees understand the concerns raised by DOA that they do not have the expertise to confiscate explosive devices as currently provided for in this measure, but would actually detain that cargo and inform the property authorities for confiscation of the material. Accordingly, your Committees have amended this measure by stipulating that DOA may open shipping containers for inspection to detect and detain any explosives.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

Your Committees further note that, although this bill provides DOD with the responsibility for coordinating the inspection of shipping containers among state agencies, it is unclear as to how oversight of this coordination between the various state agencies will be conducted. However, your Committees find that this matter is of the utmost importance and these details can be worked out in the future.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2936, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2936, S.D. 1, H.D. 1, and be referred to the Committee on Agriculture.



Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Public Safety,



FAYE HANCHANO, Chair



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HECK 706-10

Record of Votes of the Committee on Transportation

Bill/Resolution No.: SB 2936, SD1 (SSCR2373)	Committee Referral: TRN/PBS, AGR, JUD	Date: March 8, 2010		
<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)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. AWANA, Karen Leinani (VC)	/			
3. AQUINO, Henry J.C.	/			
4. HANOHANO, Faye P.	/			
5. KEITH-AGARAN, Gilbert S.C.	/			
6. LEE, Marilyn B.	/			
7. NAKASHIMA, Mark M.	/			
8. RHOADS, Karl	/			
9. SAIKI, Scott K.	/			
10. TAKUMI, Roy M.				/
11. YAMASHITA, Kyle T.	/			
12. PINE, Kymberly Marcos	/			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 706-10

Record of Votes of the Committee on Public Safety

Bill/Resolution No.: SB 2936, SD1	Committee Referral: TRN/PBS, AGR, JUD	Date: 3/8/10			
<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)					
PBS Members	Ayes	Ayes (WR)	Nays	Excused	
1. HANOHANO, Faye P. (C)	✓				
2. AQUINO, Henry J.C. (VC)	✓				
3. AWANA, Karen Leinani	✓				
4. KEITH-AGARAN, Gilbert S.C.	✓				
5. LEE, Marilyn B.	✓				
6. NAKASHIMA, Mark M.	✓				
7. RHOADS, Karl	✓				
8. SAIKI, Scott K.	✓				
9. SOUKI, Joseph M.	✓				
10. TAKUMI, Roy M.				✓	
11. YAMASHITA, Kyle T.	✓				
12. PINE, Kymberly Marcos	✓			✓ HA	
TOTAL (12)		11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>					
Vice Chair's or designee's signature:					
Distribution: Original (White) -- Committee Duplicate (Yellow) -- Chief Clerk's Office Duplicate (Pink) -- HMSO					