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IN REPLY REFER TO:

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097**

March 8, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 2936, SD 1, RELATING TO SHIPPING CONTAINER INSPECTIONS

**COMMITTEE ON TRANSPORTATION
COMMITTEE ON PUBLIC SAFETY**

The Department of Transportation (DOT) offers the following comments to this bill.

This bill proposes to provide statutory authority to the Departments of Defense, Agriculture, and Transportation to open any shipping container for the purpose of inspecting and detecting any material constituting a threat to the security of life and property. The Department of Defense (DOD) is the designated lead agency to coordinate the state's inspection of these containers.

While we strongly support efforts to keep our state secure against threats to life and property, we feel additional discussion and study is needed on this bill. In SECTION 1, the bill recognizes that procedures must first be formulated and suggests that a third party private inspection group currently hired by shipping companies could serve as a possible model. Additionally, we feel that there are legal issues that must first be addressed relating to the standards regarding reasonable suspicion, probable cause, and the search and seizure of private property. Further, an inspection program cannot be implemented without the support of additional resources in terms of funding, manpower, and equipment.



State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON TRANSPORTATION
AND
PUBLIC SAFETY**
Monday, March 8, 2010
10:45 A.M.
Room 309

**SENATE BILL NO. 2936, S.D. 1
RELATING TO SHIPPING CONTAINER INSPECTION**

Chairpersons Souki and Hanohano and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 2936, H.D. 1. The purpose of this bill is to authorize the department of transportation, department of defense, and the department of agriculture to inspect shipping containers for non-fireworks explosives. The department supports this bill and would like to take this opportunity to provide general comments and minor revisions to Section 3 for your consideration.

The department continues to move forward with the implementation of the Hawaii Biosecurity Program that provides for a multi-dimensional program to prevent the introduction of invasive species into the State through inspection, quarantine and eradication components and requirements. This measure will further broaden the department's ability to ensure the safety of Hawaii's citizens.

Presently, the department has the authority to open a shipping container to ensure that the quarantine requirements are met under Hawaii Revised Statutes chapter 150A, and that any other contraband discovered that may be of interest to other

federal, state or county agencies are oftentimes referred to the appropriate jurisdiction for a final determination. These same agencies reciprocate by making referrals to the department when they find or suspect items of interest to us.

In 2009, the department participated in a Task Force blitz inspection of surface containers moving into and between the Hawaiian Islands, which was headed by the U.S. Coast Guard, and included U.S. Customs and Border Protection, U.S. Department of Transportation, and the Hawaii Department of Transportation. This measure will standardize these blitz inspections as a normal part of day to day operations.

The department recommends that the confiscation of any explosives should be placed upon the appropriate jurisdiction or agency. As such, the department offers the following revision to Page 3, under Section 3 for your consideration:

Line 20 should read, "detect and detain any explosives, not including fireworks".

Thank you for the opportunity to testify on Senate Bill No. 2936, H.D. 1.



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March 8, 2010 @ 1:15 p.m. in CR 229

To: Committee on Transportation
Rep. Joseph M. souki, Chair
Rep. Karen Leinani Awana, Vice Chair

Committee on Public Safety
Rep. Faye P. Hanohano, Chair
Rep. Henry J.C. Aquino, Vice Chair

By: Richard C. Botti, President
Lauren Zirbel, Government Relations

Re: SB 2936 SD1 RELATING TO SHIPPING CONTAINER INSPECTIONS.

Chairs & Committee Members:

This measure makes sense, since currently less than five percent of the containers coming to Hawaii from mainland ports are being randomly selected for inspection.

This measure is an important enforcement tool.

**TO: The Honorable Joseph Souki , (Chair)
The Honorable Karen Awana , (Vice Chair)
and Members of the Transportation Committee**

**The Honorable Faye Hanohano , (Chair)
The Honorable Henry Aquino , (Vice Chair)
and Members of the Public Safety Committee**

**DATE : Monday, March 8,2010
10:45 PM Room 309**

RE : SB 2936,SD1 Relating To Shipping Container Inspections

POSITION: STRONG SUPPORT

As a concern citizen, my name is Learned Lester , Aerials are dangerous explosives materials that are imported, to the State Of Hawaii from the mainland by some-sort of permit, or license.

To have enforcement from all departments across the STATE OF HAWAII, we need to have some sort of insurance that NO illegal fireworks explosives past inspection .

SB 2936,SD1 will authorizes these departments to stop any kind of illegal fireworks that arrived to our ports , that's the first line of defense.

Thank you for letting me testifying, please pass SB 2936,SD1.

LEARNED LESTER , (COMMUNITY RESIDENT)

TO: THE HONORABLE JOSEPH SOUKI, (CHAIR)
THE HONORABLE KAREN AWANA, (VICE CHAIR)
AND MEMBERS OF THE TRANSPORTATION COMMITTEE

THE HONORABLE FAYE HANOANO, (CHAIR)
THE HONORABLE HENRY AQUINO, (VICE CHAIR)
AND MEMBERS OF THE PUBLIC SAFETY COMMITTEE

DATE: MONDAY, MARCH 8, 2010
10:45 PM ROOM 309

RE: SB 2936, SD1 RELATING TO SHIPPING CONTAINER INSPECTION

POSITION: STRONG SUPPORT

MY NAME IS TIKIN NAUR, I SUPPORT THIS BILL SB 2936, SD1, BECAUSE NO ONE, I MEAN NO ONE IS ABOVE LAWS. OUR COMMUNITIES ARE BEING DESTROYED BY HAZARDOUS MATERIALS AS IN EXPLOSIVE BOMBS, THAT'S CREATING A WAR IN OUR COMMUNITY.

SB 2936, SD1 WOULD IDENTIFY ALL LEGAL CARGO'S THAT HAS A FIREWORKS DISPLAY PERMIT'S, OR LICENSE TO IMPORT FIREWORKS TO THE STATE OF HAWAII, THAT ALSO HAS ILLEGAL AERIAL'S.

PLEASE HELP STOP THE ONGOING WARS IN OUR COMMUNITIES BY PASSING SB 2936, SD1, THANK YOU FOR HEARING MY TESTIMONY.

TIKIN NAUR, (COMMUNITY RESIDENT)

**TO: The Honorable Jose ph Souki , (Chair)
The Honorable Karen Awana , (Vice Chair)
and Members of the Transportation Committee**

**The Honorable Faye Hanohano , (Chair)
The Honorable Henry Aquino , (Vice Chair)
and Members of the Public Safety Committee**

**DATE: Monday, March 8, 2010
10:45 AM Room 309**

RE: SB 2936,SD1 Relating to Shipping Container Inspections

POSITION: STRONG SUPPORT

My name is Ene Augafa, I support SB 2936, this would be a good start for a new beginning for the safety of citizens. We all need to find the courage to bring to a stop the abuse of illegal smuggling of explosives that come to our ports through the black market sales.

This bill SB 2936, will protect the State of Hawaii, from destruction from explosive materials, the collaboration efforts by State and federal agencies, can help restore security and safety to all residents and there property across the State of Hawaii, that means all communities.

By authorizing the department of transportation, and the department of defense to inspect shipping containers, would smoke out the criminal enterprise that are using our very own fireworks laws for there own self greed multi-million dollars revenue profit, while the STATE OF HAWAII is in a budget crisis .

Please help stop these destruction materials, from going through our ports, pass SB 2936,SD1 and thank you for hearing this bill .

**Ene Augafa ,
Community Resident**

**TO: The Honorable Joseph Souki , (Chair)
The Honorable Karen Leinani , (Vice Chair)
and Members of the Transportation Committee**

**The Honorable Faye Hanohano , (Chair)
The Honorable Henry Aquino , (Vice Chair)
and Members of the Public Safety Committee**

**DATE: Monday, March 8, 2010
10:45 AM Room 309**

RE: SB 2936,SD1 Relating to Shipping Container Inspections

POSITION: STRONG SUPPORT

My name is Fetu Kolio, and I serve on as a Member of the Kalihi-Palama Neighborhood Board No.15 , I am testifying today on bill sb-2936, relating to inspections on shipping containers.

Cargos with explosives materials should always be a first priority to insure that the Public's Safety is protected under State and federal laws, ignoring the facts on the ongoing issues that has become the the mean concerns of Citizens, and officials throughout the State Of Hawaii.

SB 2936, would help setup a safety network across the State of Hawaii, including the neighbor islands, to put a complete STOP on any terrorist organization, in the future to use our very own laws to disturb or harm the people of the State Of Hawaii. Through the BLACK MARKET, System.

Thank you for hearing this bill and my testimony please pass SB 2936 to ensure the integrity and fairness on those who safe guard our ports .

**Fetu Kolio ,
Community Resident
of Kalihi-Palama.**

TO: THE HONORABLE JOSEPH SOUKI , (CHAIR)
THE HONORABLE KAREN AWANA , (VICE CHAIR)
AND MEMBERS OF THE TRANSPORTATION COMMITTEE

THE HONORABLE FAYE HANOHANO , (CHAIR)
THE HONORABLE HENRY AQUINO , (VICE CHAIR)
AND MEMBERS OF THE PUBLIC SAFETY COMMITTEE

DATE : MONDAY, MARCH 8, 2010
10:45 PM ROOM 309

RE: SB 2936, RELATING TO SHIPPING CONTAINER INSPECTIONS

POSITION: STRONG SUPPORT

AS A COMMUNITY RESIDENT OF KALIHI , I ENCOURAGE THE PASSAGE OF THIS BILL S B 2936, SD 1 BECAUSE FIREWORKS ARE BEING USE RECKLESSLY BY UNLICENSED PROFESSIONAL'S IN OUR COMMUNITIES . INJURIES AND PROPERTY DAMAGE ACROSS THE STATE OF HAWAII SHOWS HOW IRRESPONSIBLE WE ARE AS EDUCATED ADULTS. I AM SURE THAT ANYONE WITH COMMON-SENSE WOULD REALIZE THAT THE SAFETY FOR ALL OF OUR FAMILIES, IS MORE VALUABLE THEN ALL THE \$\$ MONEY\$\$ IN THE WORLD .

SB - 2936, SD 1, WOULD HELP STOP THOSE TYPES OF DANGEROUS MATERIALS, AS IN AERIAL'S EXPLOSIVE BOMBS THAT ARE BROUGHT BY SHIPPING CONTAINERS TO OUR PORTS BY LICENSED IMPORTERS OF FIREWORKS . WAITING FOR INJURIES TO OCCURRED, IS LIKE, WAITING FOR IT TO HAPPEN TO YOU, OR TO ME AND MY LOVE ONE'S , BECAUSE IT ALREADY HAPPEN TO OTHER KINDS AND ADULTS .

THANK YOU FOR HEARING THIS BILL AND MY TESTIMONY PLEASE PASS SB - 2936, SD 1 .

RANDY NICKY , (COMMUNITY RESIDENT)