

# SB 2936

**Measure Title:**

RELATING TO SHIPPING CONTAINERS INSPECTIONS

**Report Title:**

Harbors; Defense; Inspection of Shipping Containers

LINDA LINGLE  
GOVERNOR



BRENNON T. MORIOKA  
DIRECTOR

Deputy Directors  
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FRANCIS PAUL KEENO  
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JIRO A. SUMADA

IN REPLY REFER TO:

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

February 16, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION  
SENATE BILL NO. 2936, RELATING TO SHIPPING CONTAINER INSPECTIONS  
COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS  
COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS

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

The bill proposes to amend Chapter 266, Hawaii Revised Statutes, to empower the Departments of Transportation and Defense to open any shipping container to inspect and detect any material constituting a threat to the security of life and property. As Chapter 266, HRS, is the authorizing statute for only the Harbors Division, amendments to include such inspection powers should also be made to Chapter 128, HRS, the authorizing statute for the Department of Defense (DOD).

We point out that DOT would not be able to exercise such statutory authority to inspect shipping containers until several important impediments are addressed. Foremost are the legal issues 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.

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.



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February 16, 2010 @ 1:15 p.m. in CR 229

To: COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair  
Senator Robert Bunda, Vice Chair

COMMITTEE ON TRANSPORTATION, INTERNATIONAL &  
INTERGOVERNMENTAL AFFAIRS

Senator J. Kalani English, Chair  
Senator Mike Gabbard, Vice Chair

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

Re: SB 2936 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.

We also suggest that the Department of Agriculture be included in sub-paragraph (c) since they do currently have the authority to inspect container for invasive species.

**TO: The Honorable Will Espero , ( Chair )  
The Honorable Robert Bunda , ( Vice Chair )  
and Members of the Public Safety Committee**

**The Honorable Kalani English , ( Chair )  
The Honorable Mike Gabbard , ( Vice Chair )  
and Members of the Transportation Committee**

**DATE: Tuesday, February 16, 2010  
1:15 PM Room 229**

**RE: SB 2936 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 Public Safety, officials throughout the State Of Hawaii.**

**SB 2936, would help setup a safety network across the State of Hawaii, including the neighbor islands, also 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.**

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

**TO: The Honorable Will Espero , ( Chair )  
The Honorable Robert Bunda , ( Vice Chair )  
and Members of the Public Safety Committee**

**The Honorable Kalani English , ( Chair )  
The Honorable Mike Gabbard , ( Vice Chair )  
and Members of the Transportation Committee**

**DATE: Tuesday, February 16, 2010  
1:15 PM Room 229**

**RE: SB 2936, Relating to Shipping Container Inspection**

**POSITION: STRONG SUPPORT**

**My name is Ene Augafa, I support SB 2936, this would be a good start for a new beginning for the public's safety. 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, having the collaboration by State and federal agencies, can help restore security to the life's of residents and there property across our State, to all communities.**

**Authorizes the department of transportation and the department of defense to inspect shipping containers, please help pass this bill sb 2936, thank you for this bill.**

**Ene Augafa,**

**TO: The Honorable Will Espero , ( Chair )  
The Honorable Robert Bunda , ( Vice Chair )  
and Members of the Public Safety Committee**

**The Honorable Kalani English , ( Chair )  
The Honorable Mike Gabbard , ( Vice Chair )  
and Members of the Transportation Committee**

**DATE: Tuesday, February 16, 2010  
1:15 PM Room 229**

**RE: SB 2936, Relating to Shipping Container Inspections**

**POSITION: STRONG SUPPORT**

**My name is Leonard Lester, I am testifying in support of the department of transportation and the department of defense to inspect shipping containers, There's no way explosive materials can arrive to the State Of Hawaii, only in containers that go through our docks.**

**SB 2936, would make it be checked at the docks by the collaboration of state and federal agencies, lets start the safety process at the docks. Lets all stop the problems by having solution to help the people of Hawaii.**

**Thank you for letting me share my testimony and for hearing this bill please pass SB 2936.**

**Leonard Lester,**

**Resident of the  
Community**

**Subject:**[S.B. 2936—RELATING TO SHIPPING CONTAINER INSPECTION

**Date:**Tuesday, February 16, 2010

**Time:**1:15 p.m.

**From:**Danny Clark

**To:**[PSMTestimony@Capitol.hawaii.gov](mailto:PSMTestimony@Capitol.hawaii.gov).

Dear Committee Members:

The proliferation of aerial fireworks and "bombs" is outrageous. The people shooting off these things are not doing it for religious or cultural reasons; these types of fireworks have never been part of religious or cultural rites. They start shooting them off around Thanksgiving, and since when are fireworks a part of Christmas? It's hard to assist the police in identifying the culprits because the aerials are flying all over the place, and the loud "bombs" echo all around. It's like being in the middle of a battlefield; I don't believe most citizens like having this cacophony imposed on them year in and year out—it ruins the holidays for the majority of residents. If people want to see those kinds of pyrotechnics, they should go to a display conducted by professionals away from residential areas; it would be more sensible and safer. How many fires and injuries will it take to get action? When will there be some aloha for those with respiratory problems? Why should they have to lock themselves in an air-conditioned rooms during the holidays? Both the Fire Department and the Police Department support a total ban on fireworks; we should back them up. Banning fireworks is a no-brainer for those with brains, and the bestway to control illegal fireworks is to cut off the supply by inspecting containers coming into the State.

Respectfully submitted,  
Danny S. Clark  
94-382 Keehuhiwa Street  
Mililani, HI 96789  
(808) 623-9177

To: PSM TESTIMONY  
SUBJECT: TESTIMONY FOR SB2936 ON 2/16/2010 1:15:00 PM

TESTIMONY FOR PSM/TIA 2/16/2010 1:15:00 PM SB2936

CONFERENCE ROOM: 229  
TESTIFIER POSITION: SUPPORT  
TESTIFIER WILL BE PRESENT: NO  
SUBMITTED BY: STANN W. REIZISS, PH.D.  
ORGANIZATION: INDIVIDUAL  
SUBMITTED ON: 2/15/2010

COMMENTS:  
PLEASE SUPPORT SB 2936

#### JUSTIFICATION FOR PASSING SB2936

SIGNIFICANT AMOUNTS, AND VARIOUS FORMS OF CONTRABAND CONTINUOUSLY FLOW INTO THE STATE OF HAWAII UN-INSPECTED BY APPROPRIATE GOVERNMENT AUTHORITIES.

THIS PRESENTS AN EXTREMELY DANGEROUS POTENTIAL AND ACTUAL DANGER TO ALL THE INHABITANTS OF OUR ISLANDS; HUMAN, ANIMAL, VEGETABLE AND MINERAL.

FIREWORKS AND ARMAMENTS, INVASIVE SPECIES, DRUGS AND POSSIBLY EVEN HUMAN TRAFFICKING TO NAME JUST A FEW OF THE OBVIOUS IMPORTS.

WHEN THE SHIPPING COMPANIES ARE RESPONSIBLE FOR INSPECTING CONTAINERS, THEY ARE LOOKING OUT SOLELY FOR THEIR OWN FINANCIAL INTERESTS. NOT NECESSARILY FOR THE PUBLIC'S WELFARE.

CONTAINERS, IN FACT ALL CARGO, NEEDS SCRUTINY TO INSURE HOMELAND SECURITY AS WELL AS THE PROTECTION OF THE HEALTH, SAFETY AND ENVIRONMENTAL QUALITY OF LIFE CITIZENS ARE EXPECTING FROM GOVERNMENTAL AGENCIES; BE THEY LOCAL, STATE OR NATIONAL.

PLEASE VOTE YES IN SUPPORT OF SB2936

TESTIMONY RESPECTFULLY SUBMITTED