

Honolulu, Hawaii

FEB 07 , 2020

RE: H.B. No. 1810
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Public Safety, Veterans, & Military Affairs and Transportation, to which was referred H.B. No. 1810 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Authorize the Department of Public Safety's Sheriff Division to inspect shipping containers at commercial harbors or work sites;
- (2) Establish the Shipping Container Inspection Program and the Shipping Container Inspection Program Special Fund; and
- (3) Increase the maximum fine for each violation of the fireworks law.

Your Committees received testimony in support of this measure from Matson and five individuals. Your Committees received testimony in opposition to this measure from the Department of Public Safety and Hawaii Transportation Association. Your Committees received comments on this measure from the Department of the Attorney General, Department of Transportation, Department



of Budget and Finance, International Longshore and Warehouse Union Local 142, and Chamber of Commerce Hawaii.

Your Committees find that the problem of illegal fireworks entering the State is long-standing. The illegal fireworks task force established pursuant to Act 170, Session Laws of Hawaii 2010, recommended increasing random inspections for illegal fireworks by expanding inspection authority and focusing cargo inspections to make them more manageable. This measure implements the task force's recommendation.

Your Committees believe that, due to constitutionality concerns, it may be appropriate to limit inspections to harbor facilities. Currently the harbors permit "safe zones", where various types of inspections, including agricultural inspections, are conducted, to minimize disruption to port operations.

Your Committees also find that the \$1 fee for each shipping container arriving in the State would raise approximately \$300,000 annually, based on the testimony of the Department of Transportation's Harbors Division that an estimated three hundred thousand twenty-foot-equivalent shipping containers enter Honolulu Harbor from the mainland U.S. each year.

Accordingly, your Committees have amended this measure by:

- (1) Deleting the broad language that:
 - (A) Authorized the Department of Public Safety's Sheriff Division to inspect any shipping container situated anywhere at any commercial harbor or work site and to detect and confiscate any material constituting a threat directly or indirectly to the security of life or property;
 - (B) Allowed collaboration with other entities to carry out these types of inspections; and
 - (C) Specified that the Department of Public Safety Sheriff Division's authority under paragraphs (1) and (2) superseded any labor work rules or contracts that are contrary to that authority;



- (2) Deleting language that would have allowed the Shipping Container Inspection Program to:
 - (A) Conduct a majority of inspections away from ports;
 - (B) Include random inspections of freight forwarder warehouses and other facilities; and
 - (C) Include random inspections of common carriers at the discretion of the Department of Public Safety's Sheriff Division;
- (3) Clarifying certain terms;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Should your Committee on Judiciary decide to hear this measure, your Committees respectfully request that it consider the constitutional concerns raised by the Department of the Attorney General over searches at harbors facilities and on private property.

As affirmed by the records of votes of the members of your Committees on Public Safety, Veterans, & Military Affairs and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1810, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1810, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Veterans, & Military Affairs
and Transportation,


HENRY J. C. AQUINO, Chair

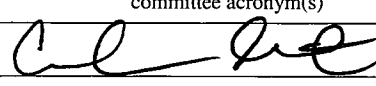

GREGG TAKAYAMA, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HSCR 183-20

Record of Votes of the Committee on Public Safety, Veterans, & Military Affairs

Bill/Resolution No.: 1810	Committee Referral: PVM/TRN	Date: Dec 21/20		
<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)				
PVM Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	✓			
2. GATES, Cedric Asuega (VC)	✓		✓	
3. KOBAYASHI, Dale T.			✓	
4. KONG, Sam Satoru	✓			
5. NISHIMOTO, Scott Y.	✓			
6. OHNO, Takashi	✓			✓
7. McDERMOTT, Bob				✓
TOTAL (7)	5	0	1	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
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 **HSC 183-20**
The THIRTIETH Legislature

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 1810	Committee Referral: PVM/TRN, JUD, FIN	Date: 2/5/2020		
<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. AQUINO, Henry J.C. (C)	✓			
2. HASHIMOTO, Troy N. (VC)	✓			
3. BROWER, Tom	✓			
4. CULLEN, Ty J.K.	✓			
5. HASHEM, Mark J.	✓			
6. MATAYOSHI, Scot Z.				✓
7. WOODSON, Justin H.	✓			
8. OKIMOTO, Val		✓		
TOTAL (8)	6	1	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				