

STAND. COM. REP. NO. **2406**

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2185
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Government Operations, to which was referred S.B. No. 2185 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Impose a consumer fireworks tax at the wholesale and retail levels; and
- (2) Require the fireworks and articles pyrotechnic records auditor of each county fire department to submit an annual report to the Legislature detailing inventory, recordkeeping, and sales of fireworks to license or permit holders.

Your Committees received testimony in support of this measure from the Hawaii State Fire Council, Maui Fire Department, and Honolulu Fire Department. Your Committees received testimony in opposition to this measure from the Hawaii Food Industry Association; American Promotional Events, Inc.; and one individual. Your Committees received comments on this measure from the Department of the Attorney General, Department of Taxation, Tax Foundation of Hawaii, and one individual.



Your Committees find that the use of fireworks in recent years has substantially increased in the State, resulting in property damage, serious injuries, and in some cases, fatalities, and can put a significant strain on emergency medical services and hospital emergency rooms. This measure would impose a consumer fireworks tax at the retail and wholesale level to discourage the use of fireworks by consumers.

Your Committees note the Illegal Fireworks Task Force established by Act 170, Session Laws of Hawaii 2010, recommended the Legislature consider increasing fireworks permit fees to deter the use of illegal fireworks. Accordingly, amendments to this measure are necessary to incorporate this preferred recommendation. Your Committees also note the lack of enforcement by the Department of Taxation concerning the payment of taxes on illegal aerial fireworks and requests your Committee on Ways and Means further examine this issue and concern.

Your Committees have amended this measure by:

- (1) Inserting a findings and purpose section;
- (2) Inserting language that doubles the fees for permits required for the purchase and use of fireworks in section 132D-10, Hawaii Revised Statutes;
- (3) Deleting language that would levy a consumer fireworks tax at the wholesale and retail levels;
- (4) Inserting an effective date of January 1, 2023; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

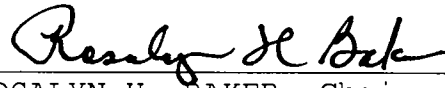
As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2185, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2185, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Government Operations,



SHARON MOCHIZUKI, Chair



ROSALYN H. BAKER, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 2185	Committee Referral: CPN IGNO, WAM	Date: 02-09-2022		
<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
BAKER, Rosalyn H. (C)	/			
CHANG, Stanley (VC)	/			
DECOITE, Lynn		/		
NISHIHARA, Clarence K.		/		
RIVIERE, Gil		/		
SAN BUENAVENTURA, Joy A.	/			
FEVELLA, Kurt		/		
TOTAL	3	4		
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Clarence K. Nishihara</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2185	CPN / GVO, WAM	02/09/22		
<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
MORIWAKI, Sharon Y. (C)	X			
DELA CRUZ, Donovan M. (VC)	X			
CHANG, Stanley	X			
GABBARD, Mike	X			
FEVELLA, Kurt		X		
TOTAL	4	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				

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