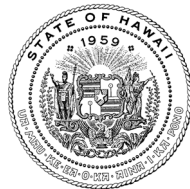


JOSH GREEN, M.D.
GOVERNOR



LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
Ka 'Oihana Mālama Mo'ohelu a Kālā
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

WRITTEN ONLY

TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON PUBLIC SAFETY AND INTERGOVERNMENTAL
AND MILITARY AFFAIRS AND TRANSPORTATION AND CULTURE AND THE ARTS
ON
SENATE BILL NO. 498

February 8, 2023
3:00 p.m.
Room 225 and Videoconference

RELATING TO FIREWORKS

The Department of Budget and Finance (B&F) offers comments on this bill.

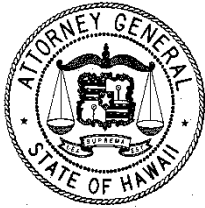
Senate Bill (S.B.) No. 498, which amends Chapter 266, HRS, does the following:

1) establishes the Shipping Container Inspection Program (SCIP) and SCIP Special Fund (SCIPSF); 2) increases the maximum fine for each violation of the fireworks law; 3) requires the Department of Public Safety (PSD) to submit reports to the Legislature on implementation of the SCIP; and 4) appropriates an unspecified amount of funds to PSD for FY 24 and FY 25 for costs to establish and administer the SCIP, including the purchase, care and handling of at least two explosive-sniffing dogs.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and

the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding S.B. No. 498, it is difficult to determine whether the SCIPSF would be self-sustaining.

Thank you for your consideration of our comments.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:
S.B. NO. 498, RELATING TO FIREWORKS.

BEFORE THE:
SENATE COMMITTEES ON TRANSPORTATION AND CULTURE AND THE ARTS
AND ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

DATE: Wednesday, February 8, 2023 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Trista N. Speer, Deputy Attorney General

Chairs Lee and Wakai and Members of the Committees:

The Department of the Attorney General provides the following comments on this bill.

The first new section being added to chapter 266, Hawaii Revised Statutes (HRS), by section 2 on page 3, lines 4-6, of the bill requires the Department of Public Safety (PSD) to "develop and implement a program to randomly inspect shipping containers arriving in Honolulu for illegal fireworks and explosives smuggled into the State." The purpose of the program is to address the problem of illegal fireworks, as set forth in the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011, prepared in accordance with Act 170, Session laws of Hawaii 2010 and the 2019 Legislative Reference Bureau report, *Blast from the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011*. The bill requires the shipping container inspection program to begin no later than October 1, 2023. The bill also requires PSD to adopt rules in accordance with chapter 91, HRS. The bill further appropriates general funds and establishes a special fund to be expended by PSD to administer the shipping container inspection program.

We are concerned that the requirement for PSD to inspect for illegal explosives in addition to illegal fireworks (page 3, lines 5-6, and also in section 1 on page 2, line 8), may be subject to challenge as violating article III, section 14, of the Hawai'i State

Constitution, which requires that "[e]ach Law shall embrace but one subject, which shall be expressed in its title." The inclusion of illegal "explosives" in the program may be found to go beyond the scope of the subject expressed in the title of the bill, "fireworks." To address this constitutional concern, we recommend deleting the words, "and explosives" from page 3, line 6, as well as page 2, line 8, of the bill.

Additionally, article VII, section 5, of the Hawai'i Constitution requires that "[n]o public money shall be expended except pursuant to appropriations made by law." The bill establishes a special fund to support the shipping container inspection program and appropriates general funds to support this program. The bill does not appropriate any money for deposit into or expenditure out of the new "shipping container inspection program special fund," which raises the question of why the special fund is being established when it is not being used at all. Usually, there would be an appropriation of general funds into the special fund and also an appropriation out of the special fund so that the special fund moneys can be spent for program purposes. To actually utilize the new special fund, we recommend amending section 4 on page 6, of the bill to read as follows:

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____ or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to be deposited into the shipping container inspection program special fund for the support and administration of the shipping container inspection program.

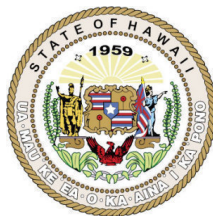
SECTION 5. There is appropriated out of the shipping container inspection program special fund the sum of \$ _____ or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the support and administration of the shipping container inspection program.

The sums appropriated shall be expended by the department of public safety for the purposes of this Act.

We also note that the bill requires the program to begin no later than October 1, 2023. PSD will probably require additional time to adopt administrative rules, and to plan and implement the shipping container inspection program.

Thank you for the opportunity to provide these comments.

JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu
1177 Alakea Street
Honolulu, Hawaii 96813
(808) 587-2562

Vacant
Deputy Director
Law Enforcement

No.

**TESTIMONY ON SENATE BILL 498
RELATING TO FIREWORKS.**

Before the Senate Committees on
Public Safety and Intergovernmental and Military Affairs
and

Transportation and Culture and the Arts

Wednesday, February 8, 2023; 3:00 p.m.

State Capitol Conference Room 225, Via Videoconference

WRITTEN TESTIMONY ONLY

Chairs Wakai and Lee, Vice Chairs Elefante and Inouye, and members of the
Committees:

The Department of Law Enforcement (DLE) supports Senate Bill 498 and
submits comments.

This bill complements Senate Bill 1339 or House Bill 1041, which are the
Administration's comprehensive bills to establish an illegal fireworks task force to plan,
coordinate, and engage in law enforcement operations to interdict illegal fireworks,
develop a comprehensive strategic plan to stop the importation of illegal fireworks and
explosives into Hawaii, promote compliance with the state fireworks control laws, and
ensure the safety and security of the airports, harbors, and other facilities and
institutions in the State against the discharge of illegal fireworks and explosives.

An inspection program is an important tool in addressing the illegal fireworks problem in the state and we would like to request that the following subsection be added to the new section to be added to Chapter 266 that begins on page 2, line 20 of the bill:

(__) All shipping companies or persons causing a shipping container, crate, flat, or any type of container or vessel containing fireworks to be shipped by ocean-going cargo shall provide all shipping documents including any invoices, bills of lading, waybills, certificates of origin, export or import licenses, packing list, insurance certificate, inspection certificates, or any other documents created for the shipment of fireworks to the department of law enforcement before the ship leaves the port of departure. Any company or person who fails to comply with this section shall be fined by the department no less than \$10,000 for each violation.

Thank you for the opportunity to testify in support of this bill.



TESTIMONY BY:
EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO
JAMES KUNANE TOKIOKA

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

February 8, 2023
2:00 PM
State Capitol, Room 225

S.B. 498
RELATING TO FIREWORKS

Senate Committees on Public Safety, Intergovernmental, and Military Affairs &
Transportation and Culture and the Arts

The Department of Transportation (DOT) provides **comments** on this measure that proposes a shipping container inspection program aimed at controlling and mitigating the use and spread of illegal fireworks.

DOT acknowledges the work completed by previous task forces on illegal fireworks, including the resulting reports and the findings therein. DOT also recognizes the recommendations for random cargo inspections. However, any additional inspection that occurs on a harbors facility means a separate allocation of an already constrained container cargo space that will jeopardize the timely and efficient offloading and movement of cargo. Therefore, DOT requests the committees' consideration of an amendment mandating that the inspections occur at a location away from a cargo terminal to avoid congestion at the commercial harbors.

DOT estimates that the \$1 fee per container proposed in this measure will likely total less than \$500,000 in the first year of the program. DOT offers this point of reference based on a total of 1.5 million twenty-foot equivalent units (TEU) that move annually across the state's commercial harbors. The majority of containers moving through the ports are 40-foot or 45-foot units, or 2/2.5 TEUs. Further, the estimation of the fees collected also excludes outbound cargo and empty containers

In addition, this measure lacks clarity on which department is responsible for the administration and management and oversight costs over the to-be-established special fund.

Thank you for the opportunity to provide these comments.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

LATE



**THE HONORABLE GLENN WAKAI, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**THE HONORABLE CHRIS LEE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION
AND CULTURE AND THE ARTS**

**Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i**

February 8, 2023

RE: S.B. 489; RELATING TO FIREWORKS.

Chair Wakai, Chair Lee, Vice-Chair Elefante, Vice Chair Inouye, members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs, and members of the Senate Committee on Transportation and Culture and the Arts, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in **support** of S.B. 498.

The purpose of this bill is to establish a shipping container inspection program, to randomly inspect shipping containers and prevent the illegal importation of fireworks and explosives. This bill also makes an appropriation to the Department of Public Safety for the detection, storage and disposal of illegal fireworks.

For years, Oahu residents have seen and heard evidence of illegal fireworks being set off at seemingly every street corner and public park on the island. Residents have become accustomed to the skies being lit up like a battlefield by illegal aerial devices, not only for New Year’s Eve and Fourth of July, but for weeks before and after those special occasions. In recent years, many communities have been forced to endure an endless barrage of fireworks year-round. Concerns about the incessant noise of these illegal fireworks; effects on respiratory health and air quality; and

effects on those with post-traumatic stress disorder, are further heightened by the fact that national and local statistics have also shown a rise in firework related injuries.¹

According to the *Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011*², and the follow-up report, *Blast from the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011*³, it is very clear that nearly all fireworks in Hawaii entered the state through shipping containers. The Department concurs with this finding, and believes that new enforcement mechanisms and/or collaborative efforts are needed to address the illegal importation of fireworks into our state. As such, the Department welcomes and supports any effort (such as the one presented in S.B. 498) to bring multiple agencies together to engage, plan and implement strategies to cut off this supply chain at its entry point.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** the passage of S.B. 498. Thank you for the opportunity to testify on this matter.

¹ <https://www.cpsc.gov/s3fs-public/2021-Fireworks-Annual-Report.pdf>

² https://lrb.hawaii.gov/wp-content/uploads/2011_ReportOfTheIllegalFireworksTaskForce.pdf

³ https://lrb.hawaii.gov/wp-content/uploads/2019_BlastFromThePast.pdf

Testimony of the Hawaii Harbor Users Group
Comments on SB498
Before the Committees on Transportation, Culture, and Arts and
Public Safety, Intergovernmental, and Military Affairs
Wednesday, February 8, 2023

Dear Chair Lee, Chair Wakai, Vice Chair Inouye, Vice Chair Elefante, and Members of the Committees:

The Hawaii Harbor Users Group (HHUG) is a non-profit maritime transportation industry group comprised of key commercial harbor users statewide. HHUG has significant concerns with SB498, Relating to State Fireworks and respectfully offers amendments. This measure, among other things, requires the Department of Public Safety, in collaboration with the Department of Transportation, and other state and federal agencies to conduct random cargo container inspections for illegal fireworks and explosives beginning no later than October 1, 2023, and increases the cost of living in Hawaii by increasing shipping costs to offset the cost of this program.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii's imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable, and efficient cargo transportation and logistics to timely service our residents and businesses who depend on these goods, vehicles, materials, and fuel on all major islands.

HHUG respectfully requests this measure be amended to require all container inspections conducted pursuant to this measure to occur at a secure and safe facility away from the commercial harbors to allow timely discharge of shipping containers at each of the commercial harbors, and avoid unnecessary delays and traffic congestion. Several of our users' operations run twenty-four hours a day, seven days a week and Honolulu Harbor is at full capacity. Any random inspection that takes place within the already congested commercial harbors on each of the major islands could cause significant delays in offloading and out-gating of cargo and unsafe traffic congestion. As a result, these inspections must take place outside of the commercial harbors to avoid disruption of goods transported within the State and interference with the users' respective operations at these harbors.

This measure also fails to address fireworks and explosives that enter the State through other modes of transportation beyond commercial shipping containers. For example, on January 3, 2023, Hawaii News Now reported that an investigation was underway after nearly 100 pounds of illegal aerial fireworks were confiscated from a mailroom at Oahu Community Correctional Center. A corrections officer was suspected of having the boxes mailed to the jail using an inmate's name. All entities involved in moving cargo to the islands via other modes of transportation should be included in any proposed inspection mandate including other mail and packaging carriers. This could include the United States Postal Service, other mail carriers, airlines, air cargo carriers, recreational boat owners, and the related industry groups.

This measure also fails to state specifically that the Department of Public Safety shall have jurisdiction over and take possession of any fireworks or explosives found in connection with the container inspections conducted.

If your Committees intend to pass this measure, we request the following amendments:

Page 2, line 20 through page 3, line 7: "~~§266-A [Shipping container]~~ **Cargo inspection program.** (a) The department of public safety, in collaboration with the department of transportation, and any other state or federal agencies, including any of the United States armed services, and private organizations involved with ~~shipping~~ transporting cargo into the State, shall develop and implement a program to randomly inspect ~~all cargo, including~~ shipping containers, arriving in the State for illegal fireworks and explosives being brought into the State. The program shall begin no later than October 1, 2023." We respectfully request that your Committee make conforming amendments throughout the measure.

Page 3, lines 9 through 11: "(1) Include the use of explosive-sniffing dogs to inspect incoming ~~shipping containers~~ cargo to the greatest extent reasonable **at a secure site located away from a commercial harbor.**"

Page 3, lines 18 through 20: "Inspect all ~~shipping containers~~ cargo containing legal fireworks using personnel who are able to distinguish legal fireworks from illegal fireworks **at a designated secure site located away from a commercial harbor;** and"

Page 4 lines 11 to 14: "(d) The department of public safety shall coordinate and conduct the random inspection of ~~shipping containers~~ cargo **at a secure and safe location away from a commercial harbor** pursuant to this section. The Hawaii national guard may be utilized to assist in the random inspection of ~~shipping containers~~ cargo. The department of public safety shall take possession of and retain jurisdiction over any illegal fireworks or explosives found in an inspection of cargo. The department of public safety shall conduct random inspections of all cargo in a manner that allows for the timely delivery of goods and return of intermodal equipment."

HHUG also requests that your Committees **delete the increase to the cost of goods in Hawaii on page 4, lines 3 through 10** and replace it with a more equitable general fund appropriation. Hawaii residents already pay some of the highest prices in the nation for goods due to factors such as high rent and utility costs. Imposing additional fees on goods will further exacerbated the high cost of living.

Thank you for considering our suggested amendments. Additionally, we urge your Committee to ensure it has carefully considered the jurisdictional issues that may arise with private-sector organized labor.

SB-498

Submitted on: 2/6/2023 12:44:45 PM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maria Virginia M Lopez	Testifying for Hawaiian Humane Society	Support	Written Testimony Only

Comments:

I, Maria Virginia Lopez, resident of Oahu for 14 years, support bill SB498 on behalf of the Hawaiian Humane Society.



WRITTEN TESTIMONY ONLY

February 8, 2023

Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs

Senator Chris Lee, Chair
Senator Lorraine Inouye, Vice Chair
Senate Committee on Transportation and Culture and the Arts

RE: Senate Bill 498 – RELATING TO FIREWORKS
Hearing date: February 8, 2023, 3:00 p.m.

Aloha Chair Wakai, Chair Lee, Vice Chair Elefante, Vice Chair Inouye, and Members of the Committees:

Thank you for the opportunity to submit testimony on behalf of Young Brothers, LLC (“YB”) offering COMMENTS for Senate Bill 498 – Relating to Fireworks.

YB is a common carrier by water, transporting property by tug and barge between the islands of O‘ahu, Hawai‘i, Kaua‘i, Maui, Moloka‘i, and Lāna‘i. YB is currently the only water carrier authorized to transport property under Chapter 271G, Hawaii Revised Statutes (“HRS”) (i.e., the Hawaii Water Carrier Act), subject to the regulatory authority of the Public Utilities Commission of the State of Hawaii (“PUC”). Since 1900, customers across Hawaii have relied on YB’s frequent, regular, and universal sailings to serve as the bridge that connects all communities in this island-state.

This measure would, among other things, require the Department of Public Safety, in collaboration with the Department of Transportation and other state and federal agencies, to conduct random cargo container inspections for illegal fireworks and explosives beginning no later than October 1, 2023.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii’s imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable and efficient cargo transportation and logistics to timely service our residents and businesses who depend on these goods, vehicles, materials and fuel on all major islands.

YB respectfully requests this measure be amended to require all container inspections conducted pursuant to this measure to occur at a secure and safe facility away from the commercial harbors to allow timely discharge of shipping containers at each of the commercial harbors, and to avoid unnecessary delays and traffic congestion. Any random inspection that takes place within the already congested commercial harbors on each of the major islands could cause significant delays in offloading and out-

gating of cargo as well as unsafe traffic congestion at and around the ports. As a result, these inspections should take place outside of the commercial harbors to avoid disruption of goods transported within the State and to avoid interference with operations at these harbors.

This measure also fails to address fireworks and explosives that enter the State through other modes of transportation beyond commercial shipping containers. For example, on January 3, 2023, Hawaii News Now reported that an investigation was underway after nearly 100 pounds of illegal aerial fireworks were confiscated from a mailroom at Oahu Community Correctional Center. A corrections officer was suspected of having the boxes mailed to the jail using an inmate's name. All entities involved in moving cargo to the islands via other modes of transportation should be included in any proposed inspection mandate, including other mail and packaging carriers, airlines, air cargo carriers, recreational boat owners, and the related industry groups.

This measure also fails to state specifically that the Department of Public Safety shall have jurisdiction over and take possession of any fireworks or explosives found in connection with the container inspections conducted.

If your Committee intends to pass this measure, we request the following amendments:

Page 3, lines 9 through 17: "~~§266-~~ ~~[Shipping container] Cargo inspection program.~~ (a) The department of public safety, in collaboration with the department of transportation, and any other state or federal agencies, including any of the United States armed services, and private organizations involved with ~~[shipping] transporting cargo~~ into the State, shall develop and implement a program to randomly inspect ~~all cargo, including~~ shipping containers, arriving in the State for illegal fireworks and explosives being brought into the State. The program shall begin no later than October 1, 2023." We respectfully request that your Committee make conforming amendments throughout the measure.

Page 3, line 19 through page 4, line 2: "(1) Include the use of explosive-sniffing dogs to inspect incoming ~~[shipping containers to the greatest extent reasonable] cargo~~ at a designated secure site ~~[, and if logistically necessary,]~~ located away from a commercial harbor;"

Page 4, lines 11 to 15: "Inspect all ~~[shipping containers] cargo~~ containing legal fireworks from illegal fireworks at a designated secure site ~~[and, if logistically necessary,]~~ located away from a commercial harbor; and"

Page 4 lines 18 to 21: "(c) The department of public safety shall coordinate and conduct the random inspection of ~~[shipping containers] cargo at a secure and safe location away from a commercial harbor~~ pursuant to this section. The Hawaii national guard may be utilized to assist in the random inspection of ~~[shipping containers] cargo~~. The department of public safety shall take possession of and retain jurisdiction over any illegal fireworks or explosives found in an inspection of cargo. The department of public safety shall conduct

Senate Committee on Public Safety and Intergovernmental and Military Affairs
Senate Committee on Transportation and Culture and the Arts
February 8, 2023
Page 3

random inspections of all cargo in a manner that allows for the timely delivery of goods and return of intermodal equipment."

YB also requests that your Committees **delete the fees described on page 4, lines 3 through 10** and replace it with a general fund appropriation.

Thank you for your service to the State of Hawaii, and for the opportunity to testify offering comments on this measure.

Sincerely,

Kris Nakagawa
Vice President, External and Legal Affairs



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: Feb. 6, 2023

To: Chairs Sen. Glenn Wakai and Sen. Chris Lee
Vice Chairs Sen. Brandon J.C. Elefante and Sen. Lorraine R. Inouye
and Members of the Committees on
Public Safety, Intergovernmental, and Military Affairs
and Transportation and Culture and the Arts

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 498: Relating to Fireworks
Wednesday, Feb. 8, 2023, 3 p.m., Room 225 & Videoconference

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 498, which establishes the shipping container inspection program and shipping container inspection program special fund; increases the maximum fine for each violation of the fireworks law; and requires the Department of Public Safety to submit reports to the Legislature on implementation of the shipping container inspection program.

Hawaiian Humane supports any attempt to remove fireworks from residential neighborhoods by keeping these dangerous products out of our state entirely and/or enhancing enforcement. At what should be joyous times for local families, illegal fireworks fill our neighborhoods with unexpected explosions that terrorize pets and people alike.

Hawaiian Humane has long educated our community about keeping pets safe from the terror of fireworks around New Years and July 4, but these bombs increasingly go off for months at a time. That makes it impossible for pet owners to prepare and creates sustained stress on people and animals, which can do lasting damage to their emotional and physical health. Neither people nor animals should have to take tranquilizers just to survive the impacts of illegal behavior by their neighbors.

We urge the committees to pass this measure. Mahalo for your consideration.

Testimony of Matson Navigation Company, Inc.
Comments on SB498
Before the Committees on Transportation, Culture, and Arts and
Public Safety, Intergovernmental, and Military Affairs
Wednesday, February 8, 2023

Dear Chair Lee, Chair Wakai, Vice Chair Inouye, Vice Chair Elefante, and Members of the Committees:

Matson Navigation Company, Inc. (Matson) expresses significant concerns with SB498, Relating to State Fireworks and respectfully offers amendments. This measure, among other things, requires the Department of Public Safety, in collaboration with the Department of Transportation, and other state and federal agencies to conduct random cargo container inspections for illegal fireworks and explosives beginning no later than October 1, 2023, and increases the cost of living in Hawaii by increasing shipping costs to offset the cost of this program.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii's imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable, and efficient cargo transportation and logistics to timely service our residents and businesses who depend on these goods, vehicles, materials, and fuel on all major islands.

Matson respectfully requests this measure be amended to require all container inspections conducted pursuant to this measure to occur at a secure and safe facility away from the commercial harbors to allow timely discharge of shipping containers at each of the commercial harbors, and avoid unnecessary delays and traffic congestion. Our operations run twenty-four hours a day, seven days a week and Honolulu Harbor is at full capacity. Any random inspection that takes place within the already congested commercial harbors on each of the major islands could cause significant delays in offloading and out-gating of cargo and unsafe traffic congestion. As a result, these inspections must take place outside of the commercial harbors to avoid disruption of goods transported within the State and interference with the users' respective operations at these harbors.

This measure also fails to address fireworks and explosives that enter the State through other modes of transportation beyond commercial shipping containers. For example, on January 3, 2023, Hawaii News Now reported that an investigation was underway after nearly 100 pounds of illegal aerial fireworks were confiscated from a mailroom at Oahu Community Correctional Center. A corrections officer was suspected of having the boxes mailed to the jail using an inmate's name. All entities involved in moving cargo to the islands via other modes of transportation should be included in any proposed inspection mandate including other mail and packaging carriers. This could include the United States Postal Service, other mail carriers, airlines, air cargo carriers, recreational boat owners, and the related industry groups.

This measure also fails to state specifically that the Department of Public Safety shall have jurisdiction over and take possession of any fireworks or explosives found in connection with the container inspections conducted.

If your Committees intend to pass this measure, we request the following amendments:

Page 2, line 20 through page 3, 7: "**§266-A [Shipping container] Cargo inspection program.**

(a) The department of public safety, in collaboration with the department of transportation, and any other state or federal agencies, including any of the United States armed services, and private organizations involved with [shipping] transporting cargo into the State, shall develop and implement a program to randomly inspect all cargo, including shipping containers, arriving in the State for illegal fireworks and explosives being brought into the State. The program shall begin no later than October 1, 2023. We respectfully request that your Committee make conforming amendments throughout the measure.

Page 3, lines 9 through 11: **“(1) Include the use of explosive-sniffing dogs to inspect incoming [shipping containers] cargo to the greatest extent reasonable at a secure site located away from a commercial harbor;”**

Page 3, lines 18 through 20: **“Inspect all [shipping containers] cargo containing legal fireworks using personnel who are able to distinguish legal fireworks from illegal fireworks at a designated secure site located away from a commercial harbor; and”**

Page 4 lines 11 to 14: **“(d) The department of public safety shall coordinate and conduct the random inspection of [shipping containers] cargo at a secure and safe location away from a commercial harbor pursuant to this section. The Hawaii national guard may be utilized to assist in the random inspection of [shipping containers] cargo. The department of public safety shall take possession of and retain jurisdiction over any illegal fireworks or explosives found in an inspection of cargo. The department of public safety shall conduct random inspections of all cargo in a manner that allows for the timely delivery of goods and return of intermodal equipment.”**

Matson also requests that your Committees **delete the increase to the cost of goods in Hawaii on page 4, lines 3 through 10** and replace it with a more equitable general fund appropriation. Hawaii residents already pay some of the highest prices in the nation for goods due to factors such as high rent and utility costs. Imposing additional fees on goods will further exacerbated the high cost of living.

Thank you for considering our suggested amendments. Additionally, we urge your Committees to ensure it has carefully considered the jurisdictional issues that may arise with private-sector organized labor.



improving the quality of lives of pets and their people.

Testimony by Alicia Maluafiti
Volunteer Board President, Poi Dogs & Popoki

In Strong Support of SB 498 – Relating to Fireworks
Senate Committees on Transportation and Culture and Arts,
And Public Safety and Intergovernmental and Military Affairs
Wednesday, Feb. 8, 3 pm, Rm. 225

Aloha Chairs Lee and Wakai and members of the committees,

Poi Dogs & Popoki (PDP) is a nonprofit animal welfare organization with a mission to help people and their pets. We are in strong support of SB 498.

The majority of people can at least agree on one thing: stopping illegal fireworks at the ports could make it more difficult for illegal fireworks to be ignited in our communities. The biggest question, however, is how to ensure the inspections are not sabotaged by the “insiders” at the docks or within law enforcement itself. People all over social media recount stories about corruption at the docs and at HPD. Even the prison guard recently arrested. These people don’t value their jobs, their families, or apparently their freedom.

We hope that SB 498 is a step in the right direction. It definitely can’t hurt. At this point in time – we are desperate for solutions. And we only speak for those owners whose pets are terrorized and traumatized by illegal fireworks.

SB-498

Submitted on: 2/3/2023 8:58:55 PM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Mitchell	Individual	Support	Written Testimony Only

Comments:

The new wording of shipping container fireworks & drug inspection is a good addition to this bill.

I'm a Makiki Neighborhood Board #10 member and part of the 255-member Nextdoor Stop all illegal fireworks network.

SB-498

Submitted on: 2/4/2023 10:11:11 AM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael I Rice	Individual	Oppose	Written Testimony Only

Comments:

I stand against this bill for the simple reason that the ban on aerial fireworks does not work and will not work. This bill is just throwing money in an attempt to fix a problem that we have made ourselves.

During Prohibition, 2 of my great grandfathers were Moonshiners, 1 was a Rum Runner, and 1 was a police officer assigned to enforce liquor laws. I'll give you 3 guesses as to which one of the 4 always had a full wallet and liquor cabinet.

Legalize Aerial Fireworks again, when people realize they can easily buy consumer grade fireworks for \$200 as opposed to paying thousands of dollars for the same fireworks to be smuggled in as well as accessing commercial grade pyrotechnics, the problem will correct itself.

SB-498

Submitted on: 2/5/2023 2:32:01 PM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

Of all the fireworks bills submitted this year, this one will be the most effective. We need to stop them at the source, confiscate the goods, fine the perpetrators. Please move the bill forward.

SB-498

Submitted on: 2/6/2023 12:57:47 PM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie McLaughlin	Individual	Support	Written Testimony Only

Comments:

Please support this important bill that will help Hawaii's animals and pets.

SB-498

Submitted on: 2/6/2023 1:24:03 PM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taurie Kinoshita	Individual	Support	Written Testimony Only

Comments:

To the Committee,

I am writing in strong support of SB 498 which establishes the shipping container inspection program and shipping container inspection program special fund; increases the maximum fine for each violation of the fireworks law; and requires the Department of Public Safety to submit reports to the Legislature on implementation of the shipping container inspection program. These measures are necessary to curtail the problem of illegal fireworks. Thank you for your consideration.

Sincerely,

Taurie Kinoshita

SB-498

Submitted on: 2/6/2023 12:58:45 PM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Wood	Individual	Support	Written Testimony Only

Comments:

We MUST get a handle on the illegal fireworks use in Hawaii. The damage it does on our environment, on the health and safety of people and animals. The importation of fireworks is the best way to get ahold of this issue, as the police department is not equipped to respond to community concerns, and fail to fine those who shoot illegal fireworks.

Thank you,
Jennifer Wood

Nuuanu, Honolulu 96817

SB-498

Submitted on: 2/6/2023 1:31:50 PM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Natalie Graham-Wood	Individual	Support	Written Testimony Only

Comments:

I support SB498.

SB-498

Submitted on: 2/7/2023 8:58:23 AM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chairpersons Wakai and Lee and Members of the Committees on Public Safety and Intergovernmental and Military Affairs and on Transportation and Culture and the Arts.

I am Jennifer Chiwa, have lived on Oahu my whole life and currently reside in Makiki.

Please support SB 498 which would establish the shipping container inspection program, provide funding for this program and require the Department of Public Safety to submit reports to the Legislature on this program. Furthermore, this bill would increase the maximum fine for each violation of the fireworks law. As with SB 1481, I hope passage of SB 498 will lead to a complete ban on fireworks which will support police, fire fighters, EMT's and hospital workers who risk their lives for the health and safety of all community members.

Thank you for this opportunity to testify and for your consideration in supporting SB 498.

Jennifer Chiwa

Makiki

SB-498

Submitted on: 2/7/2023 9:53:15 AM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bill Dixon	Individual	Support	Written Testimony Only

Comments:

This bill would establish a comprehensive container inspection program and, most importantly, provide the revenue stream to support it. I urge your active support for this measure.

SB-498

Submitted on: 2/7/2023 11:36:51 AM

Testimony for TCA on 2/8/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carole R. Richelieu	Individual	Support	Written Testimony Only

Comments:

This bill establishes the shipping container inspection program and shipping container inspection program special fund. This type of proaction is long overdue to combat illegal fireworks.

Mahalo.

SB-498

Submitted on: 2/8/2023 11:19:27 AM
Testimony for TCA on 2/8/2023 3:00:00 PM



Submitted By	Organization	Testifier Position	Testify
Selene Mersereau	Individual	Support	Written Testimony Only

Comments:

Getting a handle on illegal fireworks would benefit animals, people with breathing problems and veterans suffering from PTSD to name a few.

Please support this bill. Selene - Kailua

SB-498

Submitted on: 2/8/2023 1:42:26 PM

Testimony for TCA on 2/8/2023 3:00:00 PM



Submitted By	Organization	Testifier Position	Testify
Chris Stankis	Individual	Support	Written Testimony Only

Comments:

It is long past time to enforce the laws and protect the public from these dangerous and unregulated explosive devices. The state and federal government who have jurisdiction over the harbors, ports and airports where these dangerous devices are brought in have continually failed to keep the citizens of Hawaii safe and enforce the laws.

In a state that has some of the most stringent firearms laws in the nation, we continue to allow the importation of the explosive equivalent of hand grenades, mortar rounds and artillery shells by the hundreds of thousands into the islands and into our communities.