

STAND. COM. REP. NO. 435

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 498
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Transportation and Culture and the Arts and Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 498 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) Establish the Shipping Container Inspection Program and Shipping Container Inspection Program Special Fund;
- (2) Increase the maximum fine for each violation of the fireworks law; and
- (3) Require the Department of Public Safety to submit reports to the Legislature on implementation of the Shipping Container Inspection Program.

Your Committees received testimony in support of this measure from the Department of Law Enforcement, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaiian Humane Society, Poi Dogs & Popoki, and eleven individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Budget and Finance; Department of the



Attorney General; Department of Transportation; Hawaii Harbors; Young Brothers, LLC; and Matson Navigation Company, Inc.

Your Committees find that to address the problem of illegal fireworks, Act 170, Session Laws of Hawaii 2010, established the Illegal Fireworks Task Force to develop strategies and make recommendations to the Legislature to address the illegal importation and use of fireworks in the State. One recommendation called for increasing random inspections for illegal fireworks by expanding inspection authority and focusing cargo inspections to be more manageable. Pursuant to Act 184, Session Laws of Hawaii 2019, the Legislative Reference Bureau updated its 2011 "Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011", concurring that the "issues and challenges presented by the Task Force in its 2011 report remain relevant today". To address the ongoing prevalence of illegal fireworks in Hawaii's communities, establishing a Shipping Container Inspection Program may prevent the widespread proliferation of illegal fireworks in the State.

Your Committees have amended this measure by:

- (1) Deleting language that would have increased the fees for each shipping container arriving in the State beginning July 1, 2024;
- (2) Requiring offsite shipping containers to be conducted at the final container drop-off location or a non-active harbor area within twenty-four hours of initial arrival;
- (3) Requiring a law enforcement agency to investigate in the event that contraband is discovered during a shipping container inspection;
- (4) Establishing an unspecified fine amount for any person who tampers with secure container seals;
- (5) Inserting an appropriation of \$1,000,000 out of the general fund to establish and administer the Shipping Container Inspection Program, including the purchase, care, and handling of at least two explosive-sniffing dogs;



- (6) Amending section 1 to reflect its amended purpose;
- (7) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (8) 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 Transportation and Culture and the Arts and Public Safety and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 498, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 498, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on behalf of the members of the Committees on Transportation and Culture and the Arts and Public Safety and Intergovernmental and Military Affairs,



GLENN WAKAI, Chair

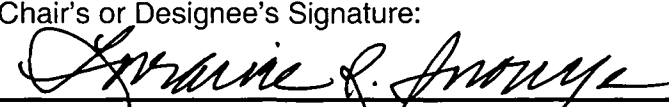


CHRIS LEE, Chair



The Senate
Thirty-Second Legislature
State of Hawai'i


Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* SB 498	Committee Referral: TCA/PSM, WAM/JDC	Date: 2/14/23		
<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
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
KEOHOKALOOLE, Jarrett				✓
AWA, Brenton			✓	
TOTAL	3		1	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				

*Only one measure per Record of Votes

The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB498	Committee Referral: TCA/PSM, WAM/JDC	Date: 2/15/23		
<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
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
MCKELVEY, Angus L.K.				✓
AWA, Brenton			✓	
TOTAL	3	0	1	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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