

STAND. COM. REP. NO.

322

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Public Safety and Military Affairs and Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 2 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

beg leave to report as follows:

The purpose of this measure is to ban consumer fireworks, except for religious and cultural purposes and also to require each county to adopt an ordinance to regulate the sale of consumer fireworks for religious or cultural purposes.

Testimony in support of this measure was submitted by three state agencies, one private organization, and thirty-one individuals. Testimony in opposition of this measure was submitted by two private organizations. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that banning the sale and use of consumer fireworks for purposes other than religious or cultural in counties with a population over 600,000 will likely prevent health-related problems, injuries, property damage, air and noise pollution, and even deaths throughout each year. Your Committees also find that during holiday celebrations, such as the Fourth of July and New Year's Eve, the State's emergency services, such as the police and fire departments, and medical services will be relieved of calls to respond to and treat circumstances relating to the use of consumer fireworks. Your Committees further find



that the ban on the sale and use of consumer fireworks may be limited so that it is not contrary to any other law, such as the First Amendment right to freedom of religion in the United States Constitution.

Your Committees have amended this measure by:

- (1) Clarifying for counties with a population over 600,000 that the use of consumer fireworks is banned, notwithstanding any law to contrary, except for use by permit for religious or cultural purposes during a specified time period;
- (2) Clarifying for counties with a population of 600,000 or less that consumer fireworks:
 - (A) May only be used during specified hours on New Year's Eve, Chinese New Year's Day, and the Fourth of July, and for religious or cultural purposes; and
 - (B) May not be sold after 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's Day, and 8:00 p.m. on the Fourth of July;
- (3) Clarifying for all counties that consumer fireworks may be lawfully purchased no more than five calendar days before the permitted time period of use; and
- (4) Changing the effective date to July 1, 2050, to promote further discussion on this measure.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.



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

J. Kalani English

J. KALANI ENGLISH, Chair


Will Espero

WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM/TIA, JGO</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-12-09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	<input checked="" type="checkbox"/>			
BUNDA, Robert (VC)	<input checked="" type="checkbox"/>			
ENGLISH, J. Kalani		<input checked="" type="checkbox"/>		
GABBARD, Mike	<input checked="" type="checkbox"/>			
GALUTERIA, Brickwood	<input checked="" type="checkbox"/>			
KIDANI, Michelle N.	<input checked="" type="checkbox"/>			
HEMMINGS, Fred				<input checked="" type="checkbox"/>
TOTAL	5	1		1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 2</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">PSM/TIA, J60</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/12/09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)		✓		
GABBARD, Mike (VC)	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
TOTAL	<div style="font-size: 1.5em; font-family: cursive;">3</div>	<div style="font-size: 1.5em; font-family: cursive;">1</div>	<div style="font-size: 1.5em; font-family: cursive;">1</div>	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 10px;">Clarence K. Nishihara</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

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