

STAND. COM. REP. NO.

227

Honolulu, Hawaii

FEB 09 , 2023

RE: H.B. No. 809
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 809 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to establish and appropriate funds for a Shipping Container Inspection Program to randomly inspect shipping containers arriving in the State for illegal fireworks and explosives.

Your Committee received testimony in support of this measure from the Department of Law Enforcement, Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, one member of the Kaua'i County Council, Pearl City Neighborhood Board No. 21, Hawaiian Humane Society, Poi Dogs & Popoki, and nineteen individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii, Building Industry Association of Hawaii, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General; Hawaii Harbor Users Group; and Young Brothers, LLC.

Your Committee finds that the Fireworks Control Law and its associated penalties have proven to be an inadequate deterrent for the importation of illegal fireworks. This measure will

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strengthen the efforts of the State to curb the importation of illegal fireworks.

Your Committee has amended this measure by:

- (1) Deleting language that would have required the Shipping Container Inspection Program to randomly inspect shipping containers for explosives;
- (2) Delaying the implementation date of the Shipping Container Inspection Program to December 1, 2023;
- (3) Requiring all shipping companies or persons that cause a shipping container, crate, flat, or any type of container or vessel containing fireworks to be shipped by ocean-going cargo to provide all shipping documents to the Department of Public Safety, or its successor, before the ship leaves the port of departure;
- (4) Establishing a \$10,000 fine for any shipping company or person who fails to provide the required shipping documents;
- (5) Changing the appropriation to an unspecified amount;
- (6) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$750,000 per fiscal year.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 809, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 809, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



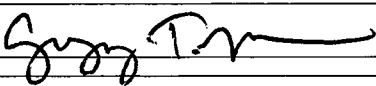
DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

HSCR 227

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 809	Committee Referral: JHA, CPC, FIN	Date: 02/07/2023		
<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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	✓			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. SOUZA, Kanani	✓			
TOTAL (10)	10	-	-	-
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				