

Honolulu, Hawaii

FEB 14 2011

RE: S.B. No. 170
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Transportation and International Affairs, to which was referred S.B. No. 170 entitled:

"A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Defense and the Department of Transportation to inspect any shipping container situated anywhere at any commercial harbor in the State to detect and confiscate any material constituting a threat directly or indirectly to the security of life and property in Hawaii, including explosives, but excluding regulated fireworks.

Your Committees received testimony in support of this measure from one state department, one state council, two private entities, and one labor organization. Comments were received from one state department.

Your Committees find that the Department of Transportation and the Department of Defense lack the statutory authority to inspect incoming shipping containers. Most containers are inspected by shipping companies who match the cargo with the shipping manifest for billing purposes.

The inspection of shipping containers is a major element in the fight against terrorism. Particularly in light of the State's



geographical isolation and the numerous containers arriving by ship, it is imperative that the State broaden its inspection of incoming shipping containers.

Your Committees have amended this measure by:

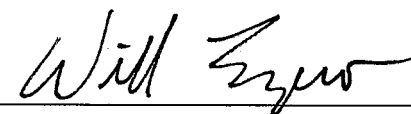
- (1) Clarifying that the authority to inspect cargo is permissive, subject to the discretion of the Departments of Defense or Transportation;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion of this measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Transportation and International Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 170, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 170, S.D. 1, and be placed on the calendar for Third Reading.

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



J. KALANI ENGLISH, Chair



WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 170	Committee Referral: PGM/TIA	Date: 2-1-11		
<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
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai	/			
SLOM, Sam	/			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

