Honolulu, Hawaii

Feb 16, 2006

RE: H.B. No. 2710

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 2710 entitled:

"A BILL FOR AN ACT RELATING TO NOISE,"

begs leave to report as follows:

The purpose of this measure is to prohibit as disorderly conduct the operation of motorized equipment with noise levels exceeding one hundred twenty decibels between the hours of 5:00 p.m. and 8:00 a.m., any day of the week.

A concerned citizen testified in support of this measure. The Outdoor Power Equipment Institute, Inc. submitted testimony in support of this measure with amendments, while the Department of Transportation supported the intent of this measure. The General Contractors Association of Hawaii opposed this measure. The Department of Agriculture submitted comments.

Your Committee has amended this measure by:

- (1) Changing the time period during which operating loud motorized equipment is prohibited from between "5:00 p.m. and 8:00 a.m." to "7:00 p.m. and 7:00 a.m.", any day of the week;
- (2) Clarifying that, for purposes of this measure, motorized equipment is loud if its noise levels exceed one hundred

twenty decibels ("a" scale) when measured at the operator's ear; and

(3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee received concerns from the Department of Agriculture that this measure may negatively impact the agricultural industry, as farming does not occur between fixed hours of the day. The Department of Transportation and the General Contractors Association also expressed concerns that this measure may interfere with construction and other maintenance work, which is required to be done during evening and early morning hours. Your Committee notes that these issues should receive further examination by subsequent committees.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2710, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2710, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Energy & Environmental Protection,

humi mou

HERMINA MORITA, Chair



## State of Hawaii House of Representatives The Twenty-third Legislature

## **Record of Votes of the Committee on Energy & Environmental Protection**

Bill/Resolution No.:	Date:	- /1/		
HB 2710		2-14-0	06	
HB 2710  Committee Referral:  EEP, JUD	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to:  Pass, unamended	Pass, with amendments			
☐ Hold	☐ Recommit			
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)				
2. EVANS, Cindy (VC)				
3. BERG, Lyla B., Ph.D.				
4. CARROLL, Mele				
5. HARBIN, Bev				
6. KANOHO, Ezra R.				
7. SCHATZ, Brian	V			
8. WATERS, Tommy	/			
9. PINE, Kymberly				
10. THIELEN, Cynthia				
TOTAL	4	3		3
The recommendation is: Adopted	/	1		
☐ Not Adopted				
If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Rep Circly Evans				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				