STAND. COM. REP. NO. 1232

Honolulu, Hawaii

Morch 27, 2009

RE:

S.B. No. 605

S.D. 1

H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred S.B. No. 605, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO NOISE,"

beg leave to report as follows:

The purpose of this bill is to more effectively regulate noise pollution by:

- (1) Requiring the Department of Health (DOH) to add the dBC decibel weighting system to the current dBA decibel weighting system;
- (2) Setting the permissible maximum nighttime sound level at 50 or 60 decibels depending upon zoning, and delegating authority to DOH and county liquor commissions to enforce these limits; and
- (3) Directs DOH, the Department of Labor and Industrial Relations, and county liquor commissions to develop recommendations for a permanent maximum sound level measured in decibels for licensed liquor establishments.

The Department of Public Safety, Downtown Neighborhood Bard No. 13, Chinatown Gateway Plaza Tenant Association, and several concerned individuals supported this bill. DOH opposed this

SB605 SD2 HSCR CPC-JUD HMS 2009-3336

measure. The Hawaii Farm Bureau Federation and Mililani Town Association provided comments.

Your Committees have amended this bill by:

- (1) Specifying that if the complainant's site is within a mixed-use or residentially zoned area, the maximum permissible nighttime sound shall be 50 decibels; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 605, S.D. 1, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 605, S.D. 1, H.D. 2.

Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

JON RIKI KARAMATSU, Chair

ROBERT N. HERKES, Chair

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

### Record of Votes of the Committee on Consumer Protection & Commerce

	tee Referral:  (D) /JUD, F	Date	3/23/	09			
☐ The committee is reconsidering its previous decisi		_	· · · · · · · · · · · · · · · · · · ·	/			
The recommendation is to:  Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)							
<b>CPC Members</b>	Ayes	Ayes (WR)	Nays	Excused			
1. HERKES, Robert N. (C)							
2. WAKAI, Glenn (VC)							
3. BELATTI, Della Au							
4. CABANILLA, Rida							
5. CARROLL, Mele /							
6. ITO, Ken							
7. KARAMATSU, Jon Riki							
8. LUKE, Sylvia	V						
9. McKELVEY, Angus L.K.				$\sim$			
10. MIZUNO, John M.	V						
11. MORITA, Hermina M.							
12. SOUKI, Joseph M.							
13. TSUJI, Clift							
14. MARUMOTO, Barbara C.			Social State of State				
15. THIELEN, Cynthia							
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	8						
TOTAL (15)	11		$ \varphi $				
The recommendation is:  Adopted If joint referral,	□ Not Adopt	did not supp	ort recommendation				
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duply ate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							
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#### State of Hawaii House of Representatives The Twenty-fifth Legislature

# HSCR 1232

## **Record of Votes of the Committee on Judiciary**

CONTRACTOR OF THE PROPERTY OF	ttee Referral: 「CPC(JUD <sub>)</sub> 、F	Date	3/23/0	9		
☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)						
JUD Members	Ayes	Ayes (WR)	Nays	Excused		
1. KARAMATSU, Jon Riki (C)						
2. ITO, Ken (VC)						
3. BELATTI, Della Au						
4. CABANILLA, Rida				~		
5. CARROLL, Mele						
6. HERKES, Robert N.						
7. LUKE, Sylvia	V					
8. McKELVEY, Angus L.K.			- Control of the Cont			
9. MIZUNO, John M.	l V					
10. MORITA, Hermina M.				V _		
11. OSHIRO, Blake K.				V		
12. SOUKI, Joseph M.				S 275475 12958 ISY 222 S125 3		
13. TSUJI, Clift						
14. WAKAI, Glenn						
15. MARUMOTO, Barbara C.						
16. THIELEN, Cynthia						
TOTAL (16)	[ ]			5		
The recommendation is:  Adopted  If joint referral, did not support recommendation.						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						