

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1418
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 1418 entitled:

"A BILL FOR AN ACT RELATING TO NOISE POLLUTION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Beginning July 1, 2025, prohibit with certain exceptions, the emission of excessive amplified noise during certain hours on public sidewalks near certain locations in areas zoned as mixed-use or residential without obtaining prior written approval from the Director of Health;
- (2) Establish penalties for violations;
- (3) Establish a two-year Waikiki Excessive Amplified Noise Control Pilot Program that requires the Department of Health to implement the excessive amplified noise control regulation in the Waikiki Special District and submit reports to the Legislature;
- (4) Require the Department of Health to adopt rules; and



- (5) Appropriate an unspecified amount of funds to establish, implement, and enforce the Waikiki Excessive Amplified Noise Control Pilot Program.

Your Committee received testimony in support of this measure from the Citizens Against Noise and six individuals. Your Committee received testimony in opposition to this measure from Unite Here Local 5. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that all citizens have a right to a healthful and peaceful environment. Your Committee further finds that quiet is an increasingly rare commodity and is constantly under siege from a wide range of sources. This measure would promote the health and well-being of members of the public by regulating excessive noise in areas zoned as mixed-use or residential.

Your Committee acknowledges testimony by the Department of Health recommending that treating excessive noise as an offense of disorderly conduct would better achieve the purposes of this measure. Accordingly, amendments to the measure are necessary to address this recommendation.

Your Committee notes that although this measure contains an appropriation for an unspecified amount, should your Committees on Judiciary and Ways and Means choose to deliberate on this measure, your Committee respectfully requests they consider appropriating \$40,000 for the purchase of decibel meters.

Accordingly, your Committee has amended this measure by:

- (1) Deleting parts I and II of the measure which would have established provisions and penalties related to excessive amplified noise and the two-year Waikiki Excessive Amplified Noise Control Pilot Program;
- (2) Inserting language establishing that a person's conduct that produces, or causes to be produced, noise exceeding eighty dBA as measured with a calibrated sound level meter by a certified individual, at thirty feet from the source of the offending sound during the hours between 7:00p.m. and 7:00a.m. in any area zoned as residential



or mixed-use residential, as unreasonable noise that constitutes the offense of disorderly conduct;

- (3) Inserting a blank appropriation amount for the Department of Health to enforce this measure, including funding for:
 - (A) The establishment of one full-time equivalent (1.0 FTE) position within the Department of Health to provide training in the proper use of decibel meters to law enforcement officers in all counties upon request; and
 - (B) The purchase of decibel meters to be supplied to the counties to assist in their enforcement of the decibel limits;
- (4) Amending section 1 to reflect its amended purpose;
- (5) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1418, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1418, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



