

Honolulu, Hawaii

APR 30 2009 , 2009

RE: S.B. No. 605
S.D. 1
H.D. 3
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 605, S.D. 1, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO NOISE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require the Department of Health to add the dBC decibel weighting system to the current dBA decibel weighting system for purposes of community noise control;
- (2) Set permissible maximum sound levels for nighttime, and grant the Department of Health and the county liquor commissions the authority to enforce these limits; and
- (3) Direct the county liquor commissions, with the assistance from the Department of Health and the Department of Labor and Industrial Relations, to develop recommendations for a permanent maximum sound level, in decibels.



Your Committee on Conference finds that low-frequency noise that can emanate from nightclubs and other liquor establishments, particularly within urban areas, is problematic, and that the current noise control laws do not adequately address this type of noise. However, enforcing noise level restrictions meant to address these urban concerns within agricultural areas may have the unintentional effect of prohibiting agricultural activities.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Limiting its application to areas within the urban land use district, as designated pursuant to section 205-2, Hawaii Revised Statutes; and
- (2) Changing its effective date from "July 1, 2050" to "upon approval".


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 605, S.D. 1, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 605, S.D. 1, H.D. 3, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


HERMINA MORITA, Co-Chair


MIKE GABBARD, Chair


ROBERT N. HERKES, Co-Chair


BLAKE K. OSHIRO, Co-Chair


DENNY COFFMAN, Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 605, SD 1, HD 3	Date/Time: 4/28/09 1:40 p
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GABBARD, Mike, Chr.	✓				MORITA, Hermina M., Co-Chr.	✓			
FUKUNAGA, Carol				✓	HERKES, Robert N., Co-Chr.	✓			
HOOSER, Gary L.				✓	OSHIRO, Blake K., Co-Chr.	✓			
IHARA, Les, Jr.	✓				COFFMAN, Denny, Co-Chr.	✓			
HEMMINGS, Fred	✓				MARUMOTO, Barbara C.	✓			
TOTAL	3	-	-	2	TOTAL	5	-	-	-

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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