

STAND. COM. REP. NO. 1080

Honolulu, Hawaii
March 20 2009

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

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

Sir:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 605, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO NOISE,"

begs leave to report as follows:

The purpose of this measure is to establish noise standards based on the dBC decibel measurement weighting system.

More specifically, this measure:

- (1) Requires 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 noise level, in decibels, for liquor establishments;
- (2) Requires the Department of Health to adopt rules that include both dBA and dBC weighted measurements for community noise control;
- (3) Allows the Department of Health and county liquor commissions to regulate nighttime noise levels measured at between fifty and sixty decibels, using the dBC weighting system;



- (4) Establishes a maximum permissible nighttime sound level of sixty decibels for bass sound (using the dBC weighting system), measured at a complainant's site, unless the complainant's site is in close proximity to an area zoned mixed-use or residential, in which case, the maximum permissible sound at nighttime is fifty decibels dBC; and
- (5) Defines dBA, dBC, and decibel.

The Honolulu Liquor Commission, Mililani Town Association, Chinatown Gateway Plaza Tenant Association, and two individuals provided testimony in support of this measure. The Department of Health and the General Contractors Association of Hawaii provided testimony in opposition of this measure.

Your Committee finds that noise levels presently are measured on the dBA scale that does not include low frequency sounds measured by the dBC scale. Thus the current maximum noise level is too high to address intense low frequency level noise, usually from music venues and nightclubs that causes vibration in structures that leads to shaking adjacent residential dwelling units and personal property. Your Committee finds that using the dBC scale in conjunction with the dBA scale will provide more comprehensive noise rules and regulations necessary for adequate community noise control.

Your Committee is aware of the Department of Health's concern over a lack of resources to implement this measure. However, your Committee notes that, given the studies that are available on the dBC weighting system standard, the Department has expressed a willingness to reconsider its position.

Your Committee has amended this measure by defining "nighttime" as between the hours of 10:00 p.m. and 7:00 a.m. and by making technical, nonsubstantive amendments for the purposes of consistency, clarity, and style.

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 S.B. No. 605, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 605, S.D. 1, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.



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

Hermina Morita

HERMINA MORITA, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR1080

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 605, SD1	Committee Referral: EEP, CPC/JUD, FIN	Date: 3-19-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. COFFMAN, Denny (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. HAR, Sharon E.	✓			
7. HERKES, Robert N.	✓			
8. ITO, Ken	✓			
9. LEE, Chris	✓			
10. LUKE, Sylvia				✓
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.				✓
13. THIELEN, Cynthia				✓
TOTAL (13)	10	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 18pt; font-family: cursive;">Denny Coffman</div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				