

STAND. COM. REP. NO. 1287

Honolulu, Hawaii

March 27, 2009

RE: S.B. No. 466  
S.D. 2  
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. 466, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO POLLUTION,"

begs leave to report as follows:

The purpose of this bill is to reduce noise pollution and other adverse effects resulting from leaf blower use by:

- (1) Restricting the operation of a leaf blower within a residential zone or within one hundred feet of a residential zone to certain time periods, establishing additional specific limitations on leaf blower operations, and establishing penalties for violations; and
- (2) Prohibiting the use or operation of a leaf blower in such a manner as to blow debris:
  - (A) Beyond the boundaries of the parcel of property being cleaned, without the consent of the adjoining property owner; or
  - (B) Onto public rights-of-way or onto private property not owned, leased, or controlled by the leaf blower operator or the employer or contractor of the



operator, and to allow the debris to remain there in excess of thirty minutes.

Several concerned individuals supported this bill. Several concerned individuals supported the intent of this bill. The Department of Health opposed this measure. Citizens for a Quieter Sacramento and several concerned individuals submitted comments.

Your Committee respectfully requests the Committee on Judiciary to examine the issue of police enforcement and citation as it relates to the prohibitions contained in this measure.

Your Committee has amended this measure by:

- (1) Specifying that the restrictions on the operation of a leaf blower within a residential zone or within one hundred feet of a residential zone apply to lands in the urban land use district;
- (2) Deleting the additional specific limitations for the operation of a leaf blower within a residential zone or within one hundred feet of a residential zone;
- (3) Changing the time periods under which leaf blower operations may take place to the hours between 7:00 A.M. and 7:00 P.M. for days other than Sundays or a federal holiday;
- (4) Inserting a savings clause; and
- (5) Making technical, nonsubstantive amendments for style, clarity, and consistency.

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. 466, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 466, S.D. 2, 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,

*Hermina Morita*

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HERMINA MORITA, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

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

<b>Bill/Resolution No.:</b> SB 466, SD2	<b>Committee Referral:</b> EEP, JUD	<b>Date:</b> 3-24-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <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)				
<b>EEP Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
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	✓			
<b>TOTAL (13)</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> <u>Denny Coffman</u>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				