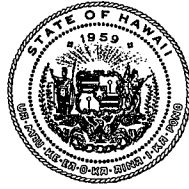


**SB 179**

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**Committee on Energy and Environment**

**SB 179, RELATING TO NOISE**

**Testimony of Chiyome Leinaala Fukino, M.D.**

**Director of Health**

**February 17, 2009**

**2:45 p.m.**

1 **Department's Position:** Oppose. There are practical problems with the bill and a lack of resources for  
2 new programs.

3 **Fiscal Implications:** As yet un-quantified resources will be needed to implement a new portion of a  
4 noise program.

5 **Purpose and Justification:** This bill proposes to make it unlawful for a person to play, use, or operate  
6 a radio, tape recorder, cassette player or other machine or device for reproducing sound, if the sound  
7 generated is audible at a distance of fifty feet and the device is located in or on any public property or  
8 motor vehicle on a public street, highway, or public space. This bill would amend Chapter 342F,  
9 Hawaii Revised Statutes.

10 The intent of Chapter 342F, Hawaii Revised Statutes was to regulate noise that is fairly constant  
11 in nature, stationary or restricted to a certain location, and enforceable. Mobile sources are more  
12 difficult to enforce against. Furthermore, there is a question whether all sounds that are audible at 50  
13 feet are harmful to hearing or are strong nuisances. The department does not have the response

1 capabilities or enforcement power to regulate sound reproduction devices. In addition, this bill  
2 duplicates similar laws already in existence at the county level.

3 Thank you for the opportunity to testify on this measure.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org

MUFI HANHEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
KARL A. GODSEY  
DEPUTY CHIEFS

OUR REFERENCE GTL-SH

February 17, 2009

The Honorable Mike Gabbard, Chair  
and Members  
Committee on Energy and Environment  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Gabbard and Members:

Subject: Senate Bill No. 179, Relating to Noise

I am Gregory T. Lefcourt, Major of District 6 (Waikiki) of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 179, Relating to Noise. The proposed bill is less restrictive than Article 31, Noise Control, of the Revised Ordinances of Honolulu 1990 (ROH). ROH Section 41-31.1 prohibits the operation of any device on any public property or in any motor vehicle on a public street if it reproduces sound that is audible 30 feet away. This is in contrast to the restriction in Senate Bill No. 179 of sound that is projected 50 feet away from the device.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gregory T. Lefcourt".

GREGORY T. LEFCOURT, Major  
District 6

APPROVED:

A handwritten signature in cursive script, appearing to read "Boisse P. Correa".

BOISSE P. CORREA  
Chief of Police