

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2124
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Government Operations and Health, to which was referred S.B. No. 2124 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Enhance the control of low-frequency noise emitted from establishments regulated by county liquor commissions by setting a maximum permissible noise level in dBC measurements;
- (2) Clarify that emission of noise that exceeds the maximum permissible noise level constitutes a noise violation;
- (3) Allow noise violations to be enforced by summons or citation issued by law enforcement officers;
- (4) Allow county liquor commissions to adopt rules to issue fines for noise violations; and
- (5) Allow county liquor commissions to revoke or suspend a liquor license; deny the application, renewal, or transfer of a license; or withhold issuance of a license when the licensee or applicant fails to take corrective action to address noise complaints or violations.



Your Committees received testimony in support of this measure from the Waikiki Neighborhood Board No. 9 and seven individuals. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find excessive noise pollution is deleterious to public health and citizen's right to a peaceful environment. Your Committees further find that one source of excessive noise pollution is the establishments that are regulated by county liquor commissions, such as restaurants, bars, and night clubs. Accordingly, your Committees find that this measure will mitigate excessive noise pollution by establishing a comprehensive regulatory and enforcement scheme.

Your Committees note the testimony of the Department of the Attorney General recommending extensive amendments to further align this measure with its intent and to fit within existing noise pollution statutes more appropriately.

Your Committees have therefore amended this measure by:

- (1) Placing the new noise measurement and enforcement provisions within the purview of the Department of Health, instead of the Liquor Commission;
- (2) Adding a new section to chapter 281, Hawaii Revised Statutes, allowing the Liquor Commission to take certain remedial actions with respect to violations of noise laws; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2124, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2124, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Government
Operations and Health,



JARRETT KEOHOKALOLE, Chair

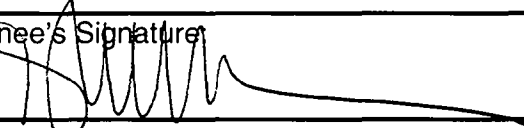


SHARON MORIWAKI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2124	GVO/HTH,CPN/JDC	02/10/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)				✓
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.				✓
FEVELLA, Kurt		✓		
TOTAL	2	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes