

STAND. COM. REP. NO.

265

Honolulu, Hawaii

FEB 09 , 2023

RE: H.B. No. 1302
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred H.B. No. 1302 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Beginning July 1, 2025, prohibit, with certain exceptions, the emission of excessive amplified noise during nighttime hours on public sidewalks within thirty feet of a hotel, single- or two-family detached dwelling, or multi-family dwelling in areas zoned as mixed-use or residential, without obtaining prior written approval from the Director of Health; and
- (2) Establish a two-year pilot program to require the Department of Health to implement the excessive amplified noise control law in the Waikiki Special District and report to the Legislature on whether the pilot program should be continued, modified, expanded to areas outside of the Waikiki Special District, or terminated; and the feasibility of statewide implementation of the excessive amplified noise control regulation on July 1, 2025.

2023-1391 HB1302 HD1 HSCR HMSO



Your Committee received testimony in support of this measure from five individuals. Your Committee received testimony in opposition to this measure from UNITE HERE! Local 5. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that noise control is a serious issue for residents and businesses in the State's urban areas. Your Committee also finds that quality of life can be enhanced through improved monitoring and enforcement of applicable noise regulations; however, enforcement of noise controls has been challenging for various reasons. This measure intends to improve the regulation and enforcement of the State's noise pollution laws through improved enforcement and resources, which will in turn improve the quality of life for residents and businesses.

Your Committee respectfully requests your Committee on Judiciary & Hawaii Affairs, should it deliberate on this measure, to consider whether the prohibition of the emission of excessive amplified noise during nighttime hours, as proposed by this measure, would be more appropriate if classified as disorderly conduct under Section 711-1101, Hawaii Revised Statutes, of the Hawaii Penal Code.

Your Committee has amended this measure by:

- (1) Moving language out of chapter 342F, Hawaii Revised Statutes, that would have prohibited, beginning July 1, 2025, excessive amplified noise during the nighttime on certain public sidewalks, and placing the language into the Waikiki Excessive Amplified Noise Control Pilot Program within the Department of Health, and clarifying that the prohibition is limited to the Waikiki Special District for the duration of the pilot program;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of



H.B. No. 1302, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1302, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Health &
Homelessness,

Della A Belatti

DELLA AU BELATTI, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

HSCR 265

Record of Votes of the Committee on Health & Homelessness

Bill/Resolution No.: HB 1302	Committee Referral: HLT, JHA, FIN	Date: 2/8/23		
<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)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	/			
2. TAKENOUCHI, Jenna (VC)	/			
3. AMATO, Terez	/			
4. ILAGAN, Greggor	/			
5. KOBAYASHI, Bertrand	/			
6. MIZUNO, John M.	/			
7. NISHIMOTO, Scott Y.	/			
8. GARCIA, Diamond	/			
TOTAL (8)	8			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				