

STAND. COM. REP. NO. 433

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 969
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Transportation and Culture and the Arts, to which was referred S.B. No. 969 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish that noise generated by helicopters in excess of a certain decibel level constitutes a public nuisance and a source of noise pollution in violation of the State's noise pollution law;
- (2) Establish fines and a private right of action for individuals to sue helicopter owners and operators for committing a public nuisance; and
- (3) Establish exceptions.

Your Committee received testimony in support of this measure from the Department of Transportation, one member of Hawaii's congressional delegation, and four individuals. Your Committee received testimony in opposition to this measure from Jack Harter Helicopters, Helicopter Association International, and AOPA. Your Committee received comments on this measure from the Department of Health, Department of the Attorney General, and one individual.



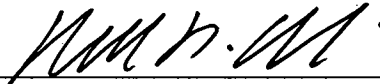
Your Committee finds that the volume and extent of tour helicopters and small aircraft operating in the State have rapidly increased in the past decade. This increase in helicopter and small aircraft tours have also increased disruptions through noise and vibrations, affecting residential, business, and industrial communities; state and national parks; cemeteries and areas of solemnity; and areas of critical infrastructure. This measure establishes that helicopter noise in excess of a certain decibel level is a public nuisance.

Your Committee notes the testimony of the Department of the Attorney General, which raises concerns that this measure could be federally preempted by the Federal Aviation Act. Your Committee requests that your Committee on Judiciary, should it choose to deliberate on this measure, further examine this issue and concerns raised by the Department of the Attorney General on this measure.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Transportation and Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 969, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 969, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Culture and the Arts,

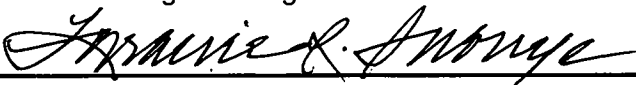


CHRIS LEE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 969	TCA, JDC	2/14/23		
<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
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
KEOHOKALOOLE, Jarrett				✓
AWA, Brenton	✓			
TOTAL	4			1
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