

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 605

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 605, entitled "A Bill for an Act Relating to Noise."

The purpose of this bill is to require the Department of Health to add the dBC decibel weighting system to the current dBA weighting system for community noise control. In addition, the bill establishes a maximum nighttime sound level of fifty to sixty decibels dBC for urban land use districts. Finally, the bill directs the county liquor commissions, with the assistance of the Department of Health and the Department of Labor and Industrial Relations, to develop recommendations for a permanent maximum sound level in dBC decibels for licensed liquor establishments.

Noise can be a major irritant for residents living in urban districts, especially those living in mixed use areas. Nighttime noise can be especially disruptive to residents who are trying to relax after work, spend time with their families, and get much needed sleep. Unfortunately, noise is a reality of urban living and it is something most urban residents learn to tolerate over time.

This bill is objectionable because it sets a new maximum nighttime noise level for urban land use districts which

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is not based on scientific, validated research. The new maximum sound level would be measured with the dBC weighting system, which has not been previously used by the Department of Health or the county liquor commissions. As a result, more study and research is needed before adopting this system and mandating a maximum sound level that will unfairly impact many law-abiding businesses located in mixed used areas.

I support provisions in the bill which would require the county liquor commissions, along with the Department of Health and the Department of Labor and Industrial Relations, to develop recommendations for maximum sound levels in urban areas. I encourage these entities to research and study this issue even though I am issuing a veto of this bill.

For the foregoing reasons, I am returning Senate Bill No. 605 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'L. Lingle', written in a cursive style.

LINDA LINGLE
Governor of Hawaii