

STAND. COM. REP. NO.

2399

Honolulu, Hawaii

FEB 17

, 2006

RE: S.B. No. 2551
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Intergovernmental Affairs, to which was referred S.B. No. 2551 entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,"

begs leave to report as follows:

The purpose of this measure is to authorize the Liquor Commission to reduce the time it has to decide whether to grant or refuse an application from thirty days to fifteen days.

This measure also allows the commission to remove names from the registered voter list for lack of residency and to deem an application denied if the commission does not make a decision to grant or refuse an application within the specified time.

The Chair of the Waikiki Neighborhood Board and eleven individuals submitted testimony in support of this measure. The Honolulu Liquor Commission, and one individual submitted comments on this measure. One individual submitted testimony in opposition.

Your Committee finds that it is important to use current property records to satisfy the notice requirement when a preliminary public hearing is held on an application for a liquor license. It is equally important to use current residency information when determining whether a majority of the registered voters have duly filed protests against the granting of a license. As one testifier indicated, a registered voter may no longer occupy property within the affected area, but may still be

2006-1361 SSCR SMA-2.doc



included in the total number of registered voters and skew the determination of whether a majority exists. It is important that the Liquor Commission have discretion in this regard. Concerns were also raised about an owner of multiple properties having more than one vote.

Upon further consideration, your Committee amended this measure by:


- (1) Providing notice to current owners and lessees of record of real estate and current owners of record of shares in a cooperative apartment;
- (2) Granting the Liquor Commission the discretion to extend its time to render a decision from thirty days to forty-five days;
- (3) Exempting a hearing and rehearing on an application for a liquor license from the requirements of chapter 91, Hawaii Revised Statutes;
- (4) Clarifying that the Liquor Commission may remove a name from its copy of the list of registered voters after confirming the lack of residency of a voter; and
- (5) Making technical, non-substantive amendments for clarity and style.

Your Committee respectfully requests the Committee on Judiciary and Hawaiian Affairs to give further consideration to the automatic denial provision.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2551, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2551, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Intergovernmental
Affairs,



DAVID Y. IGE, Chair



