

Honolulu, Hawaii

FEB 15 2007

RE: S.B. No. 1249
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committees on Tourism and Government Operations and Intergovernmental and Military Affairs, to which was referred S.B. No. 1249 entitled:

"A BILL FOR AN ACT RELATING TO LIQUOR,"

beg leave to report as follows:

The purpose of this measure is to create a new category of liquor license for condominium hotels.

Your Committees received testimony in support of this measure from the Hawai'i Hotel & Lodging Association, Outrigger Hotels & Resorts, and the four county liquor commissions. Comments were received from the State Attorney General.

Your Committees find that the advent of the condominium hotel ownership and operating structure is a relatively new concept that has recently been gaining in popularity in the State. While many former hotel operations have converted to a condominium hotel ownership and operating structure, this new structure has created an interpretation and application problem with respect to liquor licensing laws. Specifically, the restrictive nature of the definition of "premises" contained in the existing Class 12 hotel liquor licensing requirements would require that a licensed liquor establishment be situated and operated on the hotel portion, not the condominium portion, of the condominium hotel. Such a restrictive interpretation could lead to the inconsistent application and enforcement of liquor licensing laws when trying



to fit condominium hotels into the existing liquor licensing framework for hotels.

Your Committees believe that creating a new liquor licensing category to specifically address the unique ownership and operational structure of condominium hotels would promote the consistent interpretation and application of liquor licensing laws. Your Committees also believe that the establishment of a separate category for condominium hotel liquor licenses is necessary to provide adequate guidance to county liquor commissioners to ensure that the liquor licensing laws that govern the sale of liquor on such premises are uniformly interpreted and applied throughout a respective county's jurisdiction.

Your Committees have amended this measure by making technical, nonsubstantive amendments for clarity and style.

As affirmed by the records of votes of the members of your Committees on Tourism and Government Operations and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1249, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1249, S.D. 1, and be referred to the Committee on Commerce, Consumer Protection, and Affordable Housing.

Respectfully submitted on
behalf of the members of the
Committees on Tourism and
Government Operations and
Intergovernmental and Military
Affairs,



LORRAINE R. INOUE, Chair


CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii


Record of Votes
Committee on Tourism and Government Operations
TSG

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1249	TSG/IGM, CPH	2-8-07		
<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
NISHIHARA, Clarence K. (C)	/			
KIM, Donna Mercado (VC)	/			
TSUTSUI, Shan S.	/			
TRIMBLE, Gordon	/			
TOTAL	4			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Intergovernmental and Military Affairs
IGM

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SB 1249	TSG/IGM, CPH	2/8/07		
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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
INOUE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)	/			
HEMMINGS, Fred				/
TOTAL	2			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency		

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