

wakai2-Daniel

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**From:** Hirai, Anna C. [ahirai@honolulu.gov]  
**Sent:** Thursday, March 25, 2010 8:00 PM  
**To:** CPCtestimony  
**Cc:** Eric Honma; Jan Pakele; Sharon Otsubo; franklyn silva; Hyun, Edmund K B; Shinsato, Ross; Yap, Russell C F; Morita, Robert; Hashimoto, Clarice; DEnomoto@aol.com; Gregg Hammer; iris@iokawalaw.com; jon@yamaguchiinc.com; Michael Yamaguchi  
**Subject:** Testimony Re: SB 2545 HD1

Re: SB 2545 HD1

Hearing before Committees on Consumer Protection & Commerce/Judiciary  
Monday, March 29, 2010  
2:00 pm

Committee Chair Herkes and Vice Chair Wakai  
Committee Chair Karamatsu and Vice Chair Ito

The administrators of the four county liquor departments are in support of the general intent of SB 2545 HD1, but respectfully request your consideration to hold this bill, with our commitment to work with the proponents of this bill for submittal next year. A principal reason for this request is that the bill fails to address liquor department authority to address complaints for all types of BYOB establishments, and other potential problems as more specifically described below:

[1] Section 1. Although the proposed Class 17 license would give the liquor departments authority to regulate "licensed" BYOB establishments during all hours of operation, the bill fails to address authority to regulate and sanction "unlicensed" BYOB establishments. The counties previously submitted proposed amendments to HRS Chapter 281 that would broaden our authority to regulate and sanction all BYOB establishments that have not been included in any committee draft.

[2] Section 2. Because the Class 17 license will only pay an annual basic license fee, other licensees who pay both an annual basic license fee plus an additional license fee based on gross liquor sales may object to "subsidizing" enforcement and regulation of the Class 17 licensees.

[3] Section 2. (r) The Class 17 licensees should be required to obtain and maintain the \$1 million liquor liability insurance required of all licensees (only manufacturers and wholesale dealers are exempt from this requirement).

[4] Section 2: (t) The insertion of the Class 17 license into the "recorked wine" section of HRS 281-31 is problematic because it implies a wine-only limitation that does not apply to a "general" license type such as the Class 17 license. The recommendation

would be to include a provision to paragraph (q) that explicitly permits patrons to take home unconsumed liquor.

[5] The bill does not address the application process for a Class 17 license. For example, should an application for a Class 17 license be subject to the notice provisions of HRS 281-57 to -60, which would require notice to registered voters/owners-lessees within 500 feet of the proposed premises; the ability to file protests against the license, and mandatory denial for protests in excess of .50%?

For these and other reasons, the four county liquor departments respectfully request that SB 2545 HD1 be held so that important procedural and substantive concerns can be addressed, and a version of a "BYOB Bill" be submitted next year that will specifically address county liquor department authority to regulate conduct in all BYOB establishments, regardless of hours of operation.

Thank you for the opportunity to provide this testimony.

Janice Pakele, Director, Hawaii County

Eric Honma, Director, Kauai County

Franklyn Silva, Director, Maui County

Anna Hirai, Assistant Administrator, City & County of Honolulu

**From:** Big Island Brewhaus [bigislandbrewhaus@yahoo.com]  
**Sent:** Thursday, March 25, 2010 8:19 AM  
**To:** CPCtestimony; JUDtestimony  
**Subject:** Testimony, Support for SB 2545

Aloha Honorable Representatives,

I strongly support specific changes to SB 2545; including the following recommendations for amendments.

I live in Kamuela (Waimea) Big Island and own and operate Tako Taco Taqueria restaurant which is soon to become a licensed Class 14 brewpub (We are in the midst of the building process, all county licenses and Federal approvals have been met). This journey began back on Maui and Oahu with successful lobbying to change the existing Brewpub laws back in 2004 & 2005. In 2004 & 05 I led the interests statewide in achieving changes to HRS 281-31 (n) (1-9). These changes included allowing brewpubs to sell directly to consumers, to self distribute to a list of other classes of licensees, and to conduct all of these activities at one additional location other than the licensee's premises -- all of these activities are vital income streams to a challenging business based on production at a small artisan level. These activities are common throughout most of the nation's brewpub laws and have been essential to help contribute to a successful business which provides local jobs and business.

As a business owner and president of the Aloha Brewer's Guild I would like to make some requests for amendments.

It just came to my attention that the Chapter 281-31 is being looked at again. Once I started looking at the changes proposed I also noticed a prior change that deleted paragraph #9 in the (n)Class 14 Brewpub section (I assume it happened in 2008). Deleted section follows:

(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

We added paragraph #9 with 100% approval of the 2004 legislature; and a similar clause was added to (p) Class 16 Winery License (#8) in the 2008 Legislative session. Its intention is to allow brewpubs like ourselves to operate a 2nd location as an outlet for beer produced at the first location. Since by nature brewpubs are small businesses this allows us to sell our products on a wider scale to make use of a production potential at the first location. This has proved successful in many states where a brewpub can produce more beer than one restaurant / outlet can sell itself. We based our business model upon this and other activities to help sustain the business costs of shipping raw materials, energy, and production costs -- often 30% to 40%

higher in Hawaii than the rest of the nation. The second location allows a small business owner like ourselves to manage and thrive in a market and economy where sales are challenged by imported brands outside of Hawaii. This directly helps Hawaii enable its potential industry to thrive and produce within the State of Hawaii -- enabling a special value added product to be sold locally and exported around the world at a competitive price. This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

One other change I would like to see, is HRS 281-31 (n) (#8); it lists allowances of who a Class 14 Licensee can sell to: "class 12 hotel licensees, class 13 caterer licensees, and class 15 condominium hotel pursuant to conditions imposed by county regulations ...." Please notice that Class 14 was left off by mistake (in 2005) and should be added so Class 14 Brewpubs can sell to each other as well as to other classes of Licenses. Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature. Also adding "consumer" to the list will allow brewpubs to sell directly to consumers for catering for off premises sales. So adding "Class 14 Brewpub Licensee" and "consumer" to that list would be most beneficial.

I also support changing the production limit from ten thousand barrels to thirty thousand barrels; this allows a brewpub to be flexible in the market and sell its products with a modest economy of scale.

In summation, I strongly support changes to HRS 281-31 (n) & SB 2545 with the following amendments added:

HRS 281-31 (n) : The underlined words are what we would like to see added:

(8) May sell malt beverages manufactured on the licensee's premises in brewery-sealed containers directly to class 2 restaurant licensees, class 3 wholesale dealer licensees, class 4 retail dealer licensees, class 5 dispenser licensees, class 6 club licensees, class 7 vessel licensees, class 8 transient vessel licensees, class 9 tour or cruise vessel licensees, class 10 special licensees, class 11 cabaret licensees, class 12 hotel licensees, class 13 caterer licensees, class 14 brewpub licensees, class 15 condominium hotel licensees, and consumers pursuant to conditions imposed by county planning and public works departments and rules governing class 3 wholesale dealer licensees; and

(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further that the other locations are properly licensed by the same ownership.

Thank-you for the opportunity to submit my testimony in support of changes needed for our success.

Thank-you for your time and help with these very important matters,  
Tom

Thomas Kerns  
**Big Island Brewhaus & Tako Taco Taqueria**  
64-1066 Mamalahoa Hwy.  
Kamuela (Waimea) Big Island  
Hawaii, 96743  
BigIslandBrewhaus@Yahoo.com  
808-276-3301

Thomas Kerns  
**Big Island Brewhaus & Tako Taco Taqueria**  
64-1066 Mamalahoa Hwy.  
Kamuela (Waimea) Big Island  
Hawaii, 96743  
BigIslandBrewhaus@Yahoo.com  
808-276-3301

**From:** Garrett W. Marrero [G@MauiBrewingCo.com]  
**Sent:** Sunday, March 28, 2010 11:44 AM  
**To:** CPCtestimony; JUDtestimony  
**Subject:** STRONG SUPPORT of SB2545

Testimony in support of SB 2545

Aloha,

I appreciate your time once again to offer testimony. I apologize in advance as I will be unable to attend tomorrow. I have flown over twice to offer testimony already on this and other bills and at more than 200 per tickets its growing expensive and as a small-business we must conserve.

On behalf of myself and all the Maui Brewing Co. ohana, I ask for your passage of SB 2545. We are a small but rapidly growing business on Maui. We operate two locations with Class 14 Brewpub licenses and are growing to the point that we will be up against the annual production limit of the current rules very soon. We are fortunate to continue to experience such growth in this economy and promote Made in Maui products that reach California, Oregon, and Japan so far, which brings respectful advertising to our state, and aloha to them. I believe our growth has come due to our strong commitment to using local ingredients in brewing and throughout our menus, hiring and training local labor, providing family wages with proper benefits to our staff, strongly supporting "Buy Local First", and of course because we officially make some of the worlds best beers...and we do it all locally!

Currently the rules set a limit on production of 10,000 barrels in a given year. We are hoping that you will vote to pass SB2545 allowing for an increase in the production limits to allow us to continue our growth. This will lead to further growth in employment of local labor, diversifying our State economy, promote manufacturing, and increase tax revenues. As many companies have been downsizing, including moving operations out of the State of Hawaii, we are be fortunate to be requesting to increase ours, and since we are committed to always produce our beer locally we would appreciate your blessing by approving SB 2545.

Additionally, we would like to see the following changes:

Once I started looking at the current changes proposed I also noticed a prior change that deleted paragraph #9 in the Class 14 Brewpub section (I believe it happened in 2008). Deleted section follows:

(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

We added paragraph #9 with 100% approval of the 2004 legislature; and a similar clause was added to (p)

Class 16 Winery License (#8) in the 2008 Legislative session. Its intention is to allow brewpubs like ourselves to operate a 2nd location as an outlet for beer produced at the first location. Since by nature brewpubs are small businesses this allows us to sell our products on a wider scale to make use of a production potential at the first location. This has proved successful in many states where a brewpub can produce more beer than one restaurant / outlet can sell itself. We based our business model upon this and other activities to help sustain the business costs of shipping raw materials, energy, and production costs -- often 30% to 40% higher in Hawaii than the rest of the nation. The second location allows a small business owner like ourselves to manage and thrive in a market and economy where sales are challenged by imported brands outside of Hawaii. This directly helps Hawaii enable its potential industry to thrive and produce within the State of Hawaii -- enabling a special value added product to be sold locally and exported around the world at a competitive price. This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

This is particularly important as we are may consider opening a second Brewpub location in the coming year. Unless the rules are restored to include paragraph 9 we will be unable to do so for a number of reasons.

One other change I would like to see, is HRS 281-31 (n) (#8); it lists allowances of who a Class 14 Licensee can sell to: "class 12 hotel licensees, class 13 caterer licensees, and class 15 condominium hotel pursuant to conditions imposed by county regulations ...." Please notice that Class 14 was left off by mistake (in 2005) and should be added so Class 14 Brewpubs can sell to each other as well as to other classes of Licenses.

Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature. Also adding "consumer" to the list will allow brewpubs to sell directly to consumers for catering for off premises sales. So adding "Class 14 Brewpub Licensee" and "consumer" to that list would be most beneficial.

Mahalo for your time and support. I welcome the opportunity to speak with you regarding these measures.

Sincerely,

Garrett W. Marrero

**MAUI BREWING Co.**

[www.MauiBrewingCo.com](http://www.MauiBrewingCo.com)

808.280.4687 cell

877.628.4273 MBC Order Line

Brewery: 910 Honoapiilani Hwy #55 Lahaina, HI 96761 808.661.6205

Brewpub: 4405 Honoapiilani Hwy #217 Lahaina, HI 96761 808.669.3474

**From:** Jayne Kerns [jkerns@dereusarch.com]  
**Sent:** Thursday, March 25, 2010 11:08 AM  
**To:** CPCtestimony; JUDtestimony  
**Subject:** Testimony, CPC/JUD, Support for SB2545

Aloha Honorable Representatives,

I strongly support specific changes to SB 2545; including the following recommendations for amendments.

I am a 20 year residence of Hawaii, and live in Kamuela (Waimea) on the Big Island. As a business owner and supporter of Hawaii's brewpubs and brewing industry I would like to make some requests for amendments.

Please reinstate Chapter 281-31 paragraph #9 in the (n)Class 14 Brewpub section :  
(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

This paragraph was added with 100% approval of the 2004 legislature and allowed for vital income streams for the states brewpubs by allowing them to produce their product in one location, at a small artisan level, and sell it at a second, properly licensed location under the same ownership.

This directly helps Hawaii enable its brewpub industry to survive and thrive within the state, where production costs which are often 30% to 40% higher in Hawaii than the rest of the nation, and allows value added product to be sold locally and exported around the world at a competitive price.

This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

Another I would like to see, is the addition of "Class 14 Brewpub Licensee" and "Consumers" in HRS 281-31 (n) (#8);

Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature.

These additions would help provide vital income streams for the brewpubs in the State of Hawaii.

I also support changing the production limit from ten thousand barrels to thirty thousand barrels; this allows a brewpub to be flexible in the market and sell its products with a modest



economy of scale.

In summation, I strongly support changes to HRS 281-31 (n) & SB 2545 with the following amendments added:

HRS 281-31 (n) : The underlined words are what we would like to see added:

(8) May sell malt beverages manufactured on the licensee's premises in brewery-sealed containers directly to class 2 restaurant licensees, class 3 wholesale dealer licensees, class 4 retail dealer licensees, class 5 dispenser licensees, class 6 club licensees, class 7 vessel licensees, class 8 transient vessel licensees, class 9 tour or cruise vessel licensees, class 10 special licensees, class 11 cabaret licensees, class 12 hotel licensees, class 13 caterer licensees, class 14 brewpub licensees, class 15 condominium hotel licensees, and consumers pursuant to conditions imposed by county planning and public works departments and rules governing class 3 wholesale dealer licensees; and

(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further that the other locations are properly licensed by the same ownership.


Thank-you for the opportunity to submit my testimony in support of changes needed for the success of Hawaii's brewpubs.

Sincerely,

Jayne Kerns

Jayne Kerns  
de Reus ARCHITECTS  
65-1291 Kawaihac Rd  
Suite 105  
Kamuela, HI 96743  
t 808.885.6222  
f 808.885.6225  
[jkerns@dereusarch.com](mailto:jkerns@dereusarch.com)  
[www.dereusarch.com](http://www.dereusarch.com)

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**From:** Mike Dahler [mdahler@keck.hawaii.edu]  
**Sent:** Thursday, March 25, 2010 10:26 AM  
**To:** CPCtestimony; JUDtestimony  
**Cc:** Mike Dahler  
**Subject:** Testimony; CPC/JUD; Support for SB2545

Aloha Honorable Representatives,

I strongly support specific changes to SB 2545; including the following recommendations for amendments.

I have lived in Waikoloa on the Big Island for nearly 15 years and have become an avid home brewer. My interest in brewing has led me to seriously consider investing in a brewpub which will increase business and tax revenues for the state. The introduction of legislation that has allowed brewpubs in the state was a very welcome change. I have been told that in 2004 & 2005, changes were made to HRS 281-31 (n) (1-9). These changes included allowing brewpubs to sell directly to consumers, to self distribute to a list of other classes of licensees, and to conduct all of these activities at one additional location other than the licensee's premises -- all of these activities are vital income streams to a challenging business based on production at a small artisan level. These activities are common throughout most of the nation's brewpub laws and have been essential to help contribute to a successful business which provides local jobs and business.

I have just learned that the Chapter 281-31 is being looked at again and some sections have been changed or deleted. Deleted section follows:

(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

Paragraph #9 got 100% approval of the 2005 legislature; and a similar clause was added to (p) Class 16 Winery License (#8) in the 2008 Legislative session. Its intention is to allow brewpubs to operate a 2nd location as an outlet for beer produced at the first location. Since by nature brewpubs are small businesses this allows us to sell their products on a wider scale to make use of a production potential at the first location. This has proved successful in many states where a brewpub can produce more beer than one restaurant / outlet can sell itself. We based our business model upon this and other activities to help sustain the business costs of shipping raw materials, energy, and production costs -- often 30% to 40% higher in Hawaii than the rest of the nation. The second location allows a small business owner to manage and thrive in a market and economy where sales are challenged by imported brands outside of Hawaii. This directly helps Hawaii enable its potential industry to thrive and produce within the State of Hawaii -- enabling a special value added product to be sold locally and exported around the world at a competitive price. This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

Another helpful change is HRS 281-31 (n) (#8); it lists allowances of who a Class 14 Licensee can sell to: "class 12 hotel licensees, class 13 caterer licensees, and class 15 condominium hotel pursuant to conditions imposed by county regulations ...." Please notice that Class 14 was left off by mistake (in 2005) and should be added so Class 14 Brewpubs can sell to each other as well as to

other classes of Licenses. Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature. Also adding "consumer" to the list will allow brewpubs to sell directly to consumers for catering for off premises sales. So adding "Class 14 Brewpub Licensee" and "consumer" to that list would be most beneficial.

I also support changing the production limit from ten thousand barrels to thirty thousand barrels; this allows a brewpub to be flexible in the market and sell its products with a modest economy of scale.

In summation, I strongly support changes to HRS 281-31 (n) & SB 2545 with the following amendments added:

HRS 281-31 (n) : The underlined words are what we would like to see added:

(8) May sell malt beverages manufactured on the licensee's premises in brewery-sealed containers directly to class 2 restaurant licensees, class 3 wholesale dealer licensees, class 4 retail dealer licensees, class 5 dispenser licensees, class 6 club licensees, class 7 vessel licensees, class 8 transient vessel licensees, class 9 tour or cruise vessel licensees, class 10 special licensees, class 11 cabaret licensees, class 12 hotel licensees, class 13 caterer licensees, class 14 brewpub licensees, class 15 condominium hotel licensees, and consumers pursuant to conditions imposed by county planning and public works departments and rules governing class 3 wholesale dealer licensees; and

(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further that the other locations are properly licensed by the same ownership.

Thank you for the opportunity to submit my testimony in support of changes needed for the success of brewpubs in Hawaii and also for your time and consideration.

Mahalo,  
Michael Dahler

**From:** lisa malakaua [lisa\_malakaua@hotmail.com]  
**Sent:** Thursday, March 25, 2010 12:34 PM  
**To:** CPCtestimony; JUDtestimony; Big Island Brewhaus - Tom  
**Subject:** Testimony, CPC/JUD, Support for SB2545

Aloha Honorable Representatives,

I strongly support specific changes to SB 2545; including the following recommendations for amendments.

I am a 20 year residence of Hawaii, and live in Kamuela (Waimea) on the Big Island. As a business owner and supporter of Hawaii's brewpubs and brewing industry I would like to make some requests for amendments.

Please reinstate Chapter 281-31 paragraph #9 in the (n)Class 14 Brewpub section :  
(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

This paragraph was added with 100% approval of the 2004 legislature and allowed for vital income streams for the states brewpubs by allowing them to produce their product in one location, at a small artisan level, and sell it at a second, properly licensed location under the same ownership.

This directly helps Hawaii enable its brewpub industry to survive and thrive within the state, where production costs which are often 30% to 40% higher in Hawaii than the rest of the nation, and allows value added product to be sold locally and exported around the world at a competitive price.

This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

Another I would like to see, is the addition of "Class 14 Brewpub Licensee" and "Consumers" in HRS 281-31 (n) (#8);

Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature.

These additions would help provide vital income streams for the brewpubs in the State of Hawaii.

I also support changing the production limit from ten thousand barrels to thirty thousand barrels; this allows a brewpub to be flexible in the market and sell its products with a modest economy of scale.

In summation, I strongly support changes to HRS 281-31 (n) & SB 2545 with the following

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(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further that the other locations are properly licensed by the same ownership.

Thank-you for the opportunity to submit my testimony in support of changes needed for the success of Hawaii's brewpubs.

Sincerely,  
Lisa Malakaua

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**wakai2-Daniel**

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**From:** Big Island Brewhaus [bigislandbrewhaus@yahoo.com]  
**Sent:** Friday, March 26, 2010 7:56 AM  
**To:** CPCtestimony; JUDtestimony  
**Subject:** Testimony for SB 2545

**Subject:** Testimony for SB 2545

To whom it may concern,

I am in favor of passing bill SB 2545.

If residents in Hawaii have more freedom when it comes to the brewpub industry, there would be increases in cottage industries and small business. The increase would generate more tax dollars and also create another appealing factor for visitors!

More beer brewed here on the Big Island would mean less need for importation, which would promote many beneficial factors.

"Designer beers" aren't a fad that will fade away but in fact has been gaining popularity the world over. Nor are small breweries something new to the USA, in fact, before prohibition, North America was virtually peppered with small brew pubs and brewing beer at home was traditional, if not standard practice.

Please pass bill SB 2545.

Sincerely,  
Leona N. Roberts Chef/Consultant/Musician  
Former owner/operator of:  
Kawaihae Spirits Inc  
Blue Dolphin Restaurant

**From:** Joanie Whitcomb [hijoanie@hotmail.com]  
**Sent:** Thursday, March 25, 2010 11:12 PM  
**To:** CPCtestimony  
**Cc:** bigislandbrewhaus@yahoo.com  
**Subject:** we love local brews!!!!!!!!!!!!!!

Aloha Honorable Representatives,

I strongly support specific changes to SB 2545; including the following recommendations for amendments.

I am a recent, but active resident of Hawaii, and live in Kamuela (Waimea) on the Big Island. I support members of our community that are business owners and supporters of Hawaii's brewpubs and brewing industry I would like to make some requests for amendments.

Please reinstate Chapter 281-31 paragraph #9 in the (n)Class 14 Brewpub section :

(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

This paragraph was added with 100% approval of the 2004 legislature and allowed for vital income streams for the states brewpubs by allowing them to produce their product in one location, at a small artisan level, and sell it at a second, properly licensed location under the same ownership.

This directly helps Hawaii enable its brewpub industry to survive and thrive within the state, where production costs which are often 30% to 40% higher in Hawaii than the rest of the nation, and allows value added product to be sold locally and exported around the world at a competitive price.

This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

Another I would like to see, is the addition of "Class 14 Brewpub Licensee" and "Consumers" in HRS 281-31 (n) (#8);

Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature.

These additions would help provide vital income streams for the brewpubs in the State of Hawaii.

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Thank-you for the opportunity to submit my testimony in support of changes needed for the success of Hawaii's brewpubs.

Sincerely (& cheers!!),

Joanie Whitcomb

---

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**wakai2-Daniel**

---

**From:** Lindsey Akiona [lakiona@dereusarch.com]  
**Sent:** Friday, March 26, 2010 5:02 PM  
**To:** CPCtestimony; JUDtestimony  
**Subject:** Testimony, CPC/JUD, Support for SB2545

Aloha Honorable Representatives,

I strongly support specific changes to SB 2545; including the following recommendations for amendments.

I am a lifelong resident of Hawaii, and live in Kamuela (Waimea) on the Big Island. As a supporter of Hawaii's brewpubs and brewing industry I would like to make some requests for amendments.

Please reinstate Chapter 281-31 paragraph #9 in the (n)Class 14 Brewpub section :  
(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

This paragraph was added with 100% approval of the 2004 legislature and allowed for vital income streams for the states brewpubs by allowing them to produce their product in one location, at a small artisan level, and sell it at a second, properly licensed location under the same ownership. This directly helps Hawaii enable its brewpub industry to survive and thrive within the state, where production costs which are often 30% to 40% higher in Hawaii than the rest of the nation, and allows value added product to be sold locally and exported around the world at a competitive price. This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

Another I would like to see, is the addition of "Class 14 Brewpub Licensee" and "Consumers" in HRS 281-31 (n) (#8);  
Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature.  
These additions would help provide vital income streams for the brewpubs in the State of Hawaii.

I also support changing the production limit from ten thousand barrels to thirty thousand barrels; this allows a brewpub to be flexible in the market and sell its products with a modest economy of scale.

In summation, I strongly support changes to HRS 281-31 (n) & SB 2545 with the following amendments added:

HRS 281-31 (n) : The underlined words are what we would like to see added:

(8) May sell malt beverages manufactured on the licensee's premises in brewery-sealed containers directly to class 2 restaurant licensees, class 3 wholesale dealer licensees, class 4 retail dealer licensees, class 5 dispenser licensees, class 6 club licensees, class 7 vessel licensees, class 8 transient vessel licensees, class 9 tour or cruise vessel licensees, class 10 special licensees, class 11 cabaret licensees, class 12 hotel licensees, class 13 caterer licensees, class 14 brewpub licensees, class 15 condominium hotel licensees, and consumers pursuant to conditions imposed by

county planning and public works departments and rules governing class 3 wholesale dealer licensees; and


(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further that the other locations are properly licensed by the same ownership.

Thank-you for the opportunity to submit my testimony in support of changes needed for the success of Hawaii's brewpubs.

Sincerely,  
Lindsey Akiona

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wakai2-Daniel

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From: sherrie@austinimageworks.com  
Sent: Saturday, March 27, 2010 6:57 AM  
To: CPCtestimony  
Cc: JUDtestimony  
Subject: BrewPub Amendments

Aloha Honorable Representatives,

I strongly support specific changes to SB 2545; including the following recommendations for amendments.

Please reinstate Chapter 281-31 paragraph #9 in the (n)Class 14 Brewpub section :

(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

This paragraph was added with 100% approval of the 2004 legislature and allowed for vital income streams for the states brewpubs by allowing them to produce their product in one location, at a small artisan level, and sell it at a second, properly licensed location under the same ownership.

This directly helps Hawaii enable its brewpub industry to survive and thrive within the state, where production costs which are often 30% to 40% higher in Hawaii than the rest of the nation, and allows value added product to be sold locally and exported around the world at a competitive price.

This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

Another I would like to see, is the addition of "Class 14 Brewpub Licensee" and "Consumers" in HRS 281-31 (n) (#8);

Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature.

These additions would help provide vital income streams for the brewpubs in the State of Hawaii.

I also support changing the production limit from ten thousand barrels to thirty thousand barrels; this allows a brewpub to be flexible in the market and sell its products with a modest economy of scale.

In summation, I strongly support changes to HRS 281-31 (n) & SB 2545 with the following amendments added:

wakai2-Daniel

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**From:** lisa malakaua [lisa\_malakaua@hotmail.com]  
**Sent:** Thursday, March 25, 2010 12:34 PM  
**To:** CPCtestimony; JUDtestimony; Big Island Brewhaus - Tom  
**Subject:** Testimony, CPC/JUD, Support for SB2545

Aloha Honorable Representatives,

I strongly support specific changes to SB 2545; including the following recommendations for amendments.

I am a 20 year residence of Hawaii, and live in Kamuela (Waimea) on the Big Island. As a business owner and supporter of Hawaii's brewpubs and brewing industry I would like to make some requests for amendments.

Please reinstate Chapter 281-31 paragraph #9 in the (n)Class 14 Brewpub section :  
(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further the other location is properly licensed by the same ownership.

This paragraph was added with 100% approval of the 2004 legislature and allowed for vital income streams for the states brewpubs by allowing them to produce their product in one location, at a small artisan level, and sell it at a second, properly licensed location under the same ownership.

This directly helps Hawaii enable its brewpub industry to survive and thrive within the state, where production costs which are often 30% to 40% higher in Hawaii than the rest of the nation, and allows value added product to be sold locally and exported around the world at a competitive price.

This action creates and expands jobs and employment around Hawaii in Agriculture, Transportation, Maintenance, Restaurants, Hospitality, and other related industries -- the Ball canning facility on Oahu is one example.

Another I would like to see, is the addition of "Class 14 Brewpub Licensee" and "Consumers" in HRS 281-31 (n) (#8);

Please notice similar changes were added to allowances for (p) Class 16 Winery License in #7 & #8 in the 2008 legislature.

These additions would help provide vital income streams for the brewpubs in the State of Hawaii.

I also support changing the production limit from ten thousand barrels to thirty thousand barrels; this allows a brewpub to be flexible in the market and sell its products with a modest economy of scale.

In summation, I strongly support changes to HRS 281-31 (n) & SB 2545 with the following

amendments added:

HRS 281-31 (n) : The underlined words are what we would like to see added:

(8) May sell malt beverages manufactured on the licensee's premises in brewery-sealed containers directly to class 2 restaurant licensees, class 3 wholesale dealer licensees, class 4 retail dealer licensees, class 5 dispenser licensees, class 6 club licensees, class 7 vessel licensees, class 8 transient vessel licensees, class 9 tour or cruise vessel licensees, class 10 special licensees, class 11 cabaret licensees, class 12 hotel licensees, class 13 caterer licensees, class 14 brewpub licensees, class 15 condominium hotel licensees, and consumers pursuant to conditions imposed by county planning and public works departments and rules governing class 3 wholesale dealer licensees; and  
(9) May conduct the activities described in paragraphs (1) through (8) at one location other than the licensee's premises; provided that the manufacturing takes place in Hawaii; and provided further that the other locations are properly licensed by the same ownership.

Thank-you for the opportunity to submit my testimony in support of changes needed for the success of Hawaii's brewpubs.

Sincerely,  
Lisa Malakaua

---

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March 29, 2010

To: Rep. Herkes, chair of House Consumer Protection Committee  
Rep. Karamatsu, chair of House Judiciary Committee

Re: SB 2545 (Intoxicating liquor) public hearing, March 29, 2010, 2:00 pm

I support approval of SB 2545.

We weren't warned about the impact of this type of BYOB business to our neighborhood. Since no liquor license is required, there is no notice.

This business has brought a huge impact on our street. There has been increased noise, fighting, crime, drugs, drinking in parking lot, music from cars, graffiti. I've seen people pee on my car and punch it. My apartment is so close that cigarette smoke flows into my house.

Everynight it is packed. One time I saw a truck bed full of different cases of beer being brought in. There are no regulations of how much alcohol can be brought in. These people are coming out of this place falling down drunk and getting into their cars and driving off. I saw at least two people fall under their cars.

This is not a witch-hunt—it's about public safety. Mr. Shiroma, owner of Krazy Karaoke, was quoted to say this bill is a business killer---I say---drunk driving is a killer. If they had security guards patrolling the parking lot, some of these issues would be alleviated.

BYOB businesses should be accountable for what's going on in their premises. The cops are there at least 2x week; fights 2-3x's week. Everynight there is drinking, drugging and noise in the lot. The drinking and noise in the parking lot is bad but there is no inspection, no restraint, no motivation to be accountable for dangerous and disturbing activity.



Heather Lieurance  
Young Street, Honolulu 96814