

Testimony of the

Hawaii Council of Mayors

Bernard Carvalho, Jr., Mayor of Kauai County
Peter Carlisle, Mayor of the City and County of Honolulu
Billy Kenoi, Mayor of Hawaii County
Alan Arakawa, Mayor of Maui County

Before a Hearing of the
Committee on Labor & Public Employment

Tuesday, February, 1, 2011
9:00 A.M.-12:00 P.M.
Conference Room 309

House Bill 587, Relating to Counties

The Hawaii Council of Mayors (HCOM) supports House Bill 587, which provides that the county liquor administrators be appointed and removed either by each county's liquor commission or as prescribed by their charters. The Bill also shifts the ancillary powers of the liquor administrator from H.R.S. §281-17 to H.R.S. §281-11.5.

The Hawai'i State constitution, Article VIII, Section 2, authorizes the counties to frame and adopt a charter for their own self-government.

Current State law requires the liquor administrator of all counties be appointed and removed by the liquor commission of each county.

The charters of Hawai'i, Kaua'i and Maui counties each contain provisions for the establishment and functions of a liquor commission/department including the manner in which the director is hired and removed.



Mayor Billy Kenoi
County of Hawaii
25 Aupuni Street
Hilo, Hawai'i 96720



Mayor Peter Carlisle
City and County of Honolulu
530 South King Street
Honolulu, Hawai'i 96813



Mayor Bernard Carvalho, Jr.
County of Kaua'i
4444 Rice Street
Lihu'e, Hawai'i 96766

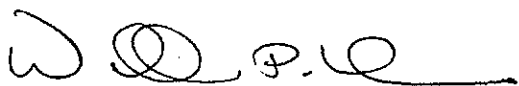


Mayor Alan Arakawa
County of Maui
200 South High Street, 9th Floor
Wailuku, Hawaii 96793

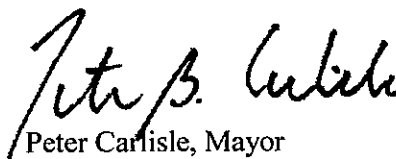
The charter of the City & County of Honolulu does not include the position of liquor administrator and therefore, the statutory provision requiring that the liquor administrator be hired by the liquor commission would apply. However in keeping with the principle of self-governance, the Bill would allow the City & County the ability to place a charter amendment for consideration by the voters that would define the process for hiring their liquor director.

For the reasons stated above, the Hawaii State Council of Mayors requests your favorable consideration and support of H.B. No 587.

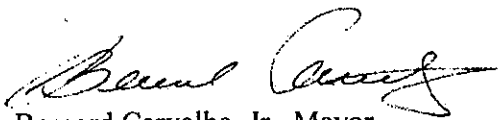
Sincerely,



William Kenoi, Mayor
County of Hawai'i



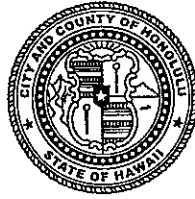
Peter Carlisle, Mayor
City and County of Honolulu



Bernard Carvalho, Jr., Mayor
County of Kaua'i

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PETER B. CARLISLE
MAYOR

February 1, 2011

The Honorable Karl Rhodes, Chair
House Committee on Labor and Public Employment
Twenty-Sixth Legislature
State of Hawaii

RE: Testimony of Mayor Peter Carlisle on H.B. 587, Relating to Counties.

Chair Rhodes and members of the House Committee on Labor and Public Employment, Mayor Peter Carlisle submits the following testimony in support of H.B. 587. H.B. 587 is a bill proposed and supported by the Hawaii Council of Mayors which is comprised of the Mayors of Maui, Kauai, Hawaii and the City and County of Honolulu.

The purpose of this bill is to amend Hawaii Revised Statutes (HRS) section 281-11.5 to provide that county liquor administrators be appointed and removed as prescribed by each county charter. Under Article VIII, Section 2 of the Constitution of the State of Hawaii, the counties have the authority to adopt charter provisions on their executive, legislative and administrative structure which shall be superior to statutory provisions subject to the authority of the legislature to exact general laws allocating and reallocating powers. Passage of this bill will facilitate the adoption of a charter provision in the City and County of Honolulu regarding the appointment and removal of its county liquor administrator; Hawaii, Kauai and Maui already have charter provision regarding the appointment and removal of the liquor administrator.

I respectfully request your favorable consideration of this bill and thank you for this opportunity to testify.

COUNTY COUNCIL

Jay Furfaro, Chair
JoAnn A. Yukimura, Vice Chair
Tim Bynum
Dickie Chang
Derek S. K. Kawakami
Nadine K. Nakamura
Mel Rapozo



Council Services Division
3371-A Wilcox Road
Lihue, Kauai, Hawaii 96766

OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk
Eduardo Topenio, Jr., Deputy County Clerk

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**TESTIMONY OF DEREK S. K. KAWAKAMI
INDIVIDUAL COUNCILMEMBER, KAUAI COUNTY COUNCIL**

**HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
February 1, 2011 AT 9:00 A.M.
CONFERENCE ROOM 309, STATE CAPITOL**

HOUSE BILL NO. 587, RELATING TO COUNTIES (LIQUOR ADMINISTRATOR)

The Honorable Karl Rhoads, Chair, House Committee on Labor & Public
Employment and Committee Members:

My name is Derek S. K. Kawakami, and I submit this testimony in my
capacity as an individual Councilmember of the Kauai County Council.

I support H.B. 587, which proposes to amend Section 281-11.5, Hawaii
Revised Statutes to extend the power to appoint county liquor administrators to the
county liquor control commission.

This legislation will provide the counties with the authority to determine the
appropriate appointment and removal procedures for county liquor administrators
pursuant to each county's charter. Granting this authority is within the purview of
the counties' executive and administrative structure and organization, which is
supported and consistent with the principle of county self-governance established in
Article VIII, Section 2 of the Hawaii Constitution.

Thank you for this opportunity to submit this testimony in my capacity as a
Councilmember.

MahaIo nui loa,

Derek S.K. Kawakami (LP)
Councilmember

LATE

Date: January 31, 2011

To: The Honorable Karl Rhoads, Chair
The Honorable Kyle T. Yamashita, Vice Chair
House Labor & Public Employment Committee

From: Franklyn Silva, Director
Traci Fujita Villarosa, Esq., Deputy Director
County of Maui, Department of Liquor Control

Re: Comments on HB587

The Liquor Commission section of the City & County of Honolulu Charter was recently amended in the November 2010 election to read as follows (emphasis added):

Section 6-207. Liquor Commission

The organization and the duties and functions of the liquor commission of the City and County of Honolulu shall be as provided by law, except that the commission shall be attached to the department of budget and fiscal services. The positions of liquor administrator and deputy liquor administrator shall be exempt from civil service in accordance with Section 6-1103.

The liquor commission shall appoint and may remove a liquor administrator, who shall serve as the administrative head of the commission staff and shall be subject to the policies and directions of the commission.

The liquor administrator may appoint and may remove a deputy liquor administrator who shall serve as the first deputy to the administrator.

The liquor administrator may hire and may remove other staff in accordance with applicable law. The salaries of the staff shall be set in accordance with applicable law. (Reso. 83-357; 1998 General Election Charter Amendment Question No. 2(V); Reso. 09-357)

All four county charters now state that the appointment of the liquor administrator is by the liquor commission in accordance with Chapter 281, Hawaii Revised Statutes.