

LATE

Testimony in Opposition to SB2945

Dear Honorable Chair and members of the

Committee on Public Safety, Government Operations and Military Affairs

2/13/12

I, Bill Comerford, Spokesman for the Hawaii Bar Owners Association personally and representatively oppose this bill and ask this committee to not pass this bill.

Much has been made of circumstances at one location in Waikiki. This bill could be titled *the bill to revoke licenses at the corner of Seaside and Kuhio Avenues*. This has been an ongoing problem in the Waikiki community and they have sought remedy annually to relieve this situation. We believe the Honolulu Liquor Commission has existing powers to limit the licensees at this location. It does not require a law to limit all other licensees within Oahu. Yet that is exactly what will occur as immediately every bar in existence will become a nuisance once the community becomes aware of the law.

Liquor licensees expend considerable expense to acquire a license and annually it has become more and more difficult to obtain or maintain a license, much of this as a result of legislation against the industry. Why has this legislation occurred, because legislation took the patrons from within the bars and put them in public areas beyond the property lines of the licensed premise? It placed them in areas that operators cannot legally supervise or control. Act 295 put customers outside at all hours of operation particularly in those difficult hours between 10pm and 4am. Legally a licensee cannot put his employees on public property to enforce anything. The property is not theirs and they are not insured to take such actions. Act 295 and the smoking regulations put the customers beyond legal supervision. That one law has resulted in multiple new laws to remedy what did not need remedy in the past.

As a result annually there has been legislation to correct the circumstance at Seaside and Kuhio. There has been bills introduced to; remove all 4am licenses from Waikiki, to forbid two 4am licenses to be within existing distances from each other, amidst this there has been moves by the Liquor Commission to limit licenses in hours or operation and entertainment, moves to limit smoking and littering in the streets, noise reduction legislation to limit the decibel level to 50dbs. All, as a result of Act 295.

There is a more reasonable answer to this and that is to put the patrons back in the bars and clubs during those hours where they will be supervised and controlled. Allow licensees to operate as they did before the advent of the smoking law and all this goes away.

We do not need a law that limits the ability of any well behaved business to operate due to a chronic complainer. It is unfair and puts the means in the complainant's hands.

Please shelve this bill and work within existing means to remedy this situation. It would be foolish to invest in bars if this bill passed. At any complainants' whim all of the invested funds would be lost and the licensee would be stuck with a useless lease. This does not bode well for future investment in this industry that is so essential to a robust tourist industry. Closing bars does nothing for our economic recovery.

Please do not pass SB2945.

Sincerely,

Bill Comerford
Spokesman
Hawaii Bar Owners Association
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Honolulu, HI 96817
808-223-3997
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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 10:28 PM
To: PGM Testimony
Cc: jtenn10@aol.com
Subject: Testimony for SB2945 on 2/14/2012 3:15:00 PM

Testimony for PGM 2/14/2012 3:15:00 PM SB2945

Conference room: 224
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Jolyn M. Tenn
Organization: Individual
E-mail: jtenn10@aol.com
Submitted on: 2/13/2012

Comments:

Honorable Legislators,

This ordinance is far too vague, impossible to objectively enforce and would rob, honest business owners, and employees of gainful income. In these tough economic times, it is irresponsible to be invoking any further hindrances upon the business community.

People speaking in a normal conversational level are emitting levels of between 50-60 decibels, (per the electronic institute), so now we are saying that you would like to strip a license from a business because people out on the street are having a chat? How do you propose to enforce the new whisper only rules? Are you going to tell their Mommies? Must we now employ a new "task force?"

I urge a more reasonable approach with a far less drastic consequence. If people are being too loud or unruly on public property, there are laws on the books that deal with those situations, ever heard of disturbing the peace?

Respectfully,

Jolyn M. Tenn

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2012 6:12 PM
To: PGM Testimony
Cc: asumberg@gmail.com
Subject: Testimony for SB2945 on 2/14/2012 3:15:00 PM

Testimony for PGM 2/14/2012 3:15:00 PM SB2945

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: alex sumberg
Organization: Individual
E-mail: asumberg@gmail.com
Submitted on: 2/14/2012

Comments:

You need to define nuisance better. What is there to stop you from just taking licenses away from bars you may not approve of, or in an effort to clear a neighborhood of businesses for economic and development purposes?

What responsibility does the bar hold if the nuisance is the neighborhood and not them? This is bad policy. Too many ifs and vague guidelines. As written, this will do nothing to solve whatever problem you are thinking you are trying to solve, it just adds more unnecessary guidelines and code onto an industry that is rife with it already.

Might as well write "we want to take away drivers licenses from people who are bad..." Define "Bad". No warning? Do they have to be bad in a certain way, or just any general way you don't like?

I suggest you squash this bill and go back and address the problem specifically

~~LATE~~

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2012 8:41 PM
To: PGM Testimony
Cc: mz9995@hotmail.com
Subject: Testimony for SB2945 on 2/14/2012 3:15:00 PM

Testimony for PGM 2/14/2012 3:15:00 PM SB2945

Conference room: 224
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Micheal Zehner
Organization: Individual
E-mail: mz9995@hotmail.com
Submitted on: 2/14/2012

Comments:

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2012 5:50 AM
To: PGM Testimony
Cc: darbyinhawaii@yahoo.com
Subject: Testimony for SB2945 on 2/14/2012 3:15:00 PM

Testimony for PGM 2/14/2012 3:15:00 PM SB2945

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Patrick McGrail
Organization: Individual
E-mail: darbyinhawaii@yahoo.com
Submitted on: 2/14/2012

Comments:

Dear Hawaii Legislature,

I have lived the last 20yrs of my adult life in Hawaii. When I moved here it had a bustling economy driven by the tourist industry and the military. Now with the military deployed elsewhere, a global economy in shambles our legislature puts forth another bill that could hurt tourism. After laws have passed that have deeply decreased Asian and mainland visitors alike, why go after the tourism industry again? People who travel enjoy more than the nice beaches and great views, they want the full experience, that includes the nightlife. When the sun goes down, it is the bars and restaurants that give Hawaii its energy. This nightlife is part of a barometer a traveler uses when deciding a destination. Lets work to make it more fun for the traveler, so they choose Hawaii.

Another reason I believe you should not pass this law is the volume of people who depend on tourism for their livelihood. Any law that negatively effects that many people can't be good. People will lose jobs, and in turn they won't be able to spend money in other facets of society. Unemployment and homelessness will rise, and people will look for the gov't to help them out. Does this gov't need more financial burden?

This bill also only targets Honolulu, that is flat out discrimination. The bill is also too vague, what constitutes a disturbance, misconduct or noise? What criteria needs to be met to adversely effect the health and welfare of inhabitants of the area? What is to stop someone living in a dual zoned area from continually making false complaints about an establishment, until they get what they want? The squeaky wheel always gets the grease.

Finally, I have no confidence in the Liquor Commission to be able to carry out this bill's enforcement. This is the same commission that has members imprisoned for bribery and intimidation, (sounds like the shack waikiki, which I can only assume was the start point for this bill) and wanted its members to carry guns. The commission has showed little institutional control and a total lack of common sense in its everyday dealings. Please don't add this to their duties.

Thank you for your time.