

JAN 28 2015

A BILL FOR AN ACT

RELATING TO THE LIQUOR COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 281-57, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:
3 "(b) If no preliminary hearing is had or if the
4 application is not denied upon a preliminary hearing, the
5 commission shall fix a day for the public hearing of the
6 application (other than an application for an alcohol license or
7 a license in classes 8 to 10 and 13) and shall give public
8 notice of the hearing at least once in each of two consecutive
9 weeks, in the county, the date of the hearing to be not less
10 than forty-five days after the first notice[-] (except that in
11 counties with a population of five hundred thousand or more, the
12 date of the hearing shall be not less than thirty days after the
13 first notice). The notice shall require that all protests or
14 objections against the issuance of the license applied for shall
15 be filed with the administrator of the commission at or before
16 the time of hearing. Before giving the notice the commission



1 shall collect from the applicant the cost of giving the public
2 notice or require a deposit to cover the same.

3 (c) Immediately upon the commission's fixing a day for the
4 public hearing of the application, the applicant shall mail a
5 notice setting forth the time and place of the hearing on the
6 application to each of the following:

7 (1) Not less than two-thirds of the owners and lessees of
8 record of real estate and owners of record of shares
9 in a cooperative apartment or to those individuals on
10 the list of owners as provided by the managing agent
11 or governing body of the shareholders association
12 situated within a distance of five hundred feet from
13 the nearest point of the premises for which the
14 license is asked to the nearest point of such real
15 estate or cooperative apartment; provided that in
16 meeting this requirement, the applicant shall mail a
17 notice to not less than three-fourths of the owners
18 and lessees of record of real estate and owners of
19 record of shares in a cooperative apartment situated
20 within a distance of one hundred feet from the nearest
21 point of the premises for which the license is asked.



1 Notice by mail may be addressed to the last known
2 address of the person concerned or to the address as
3 shown in the current real property tax record of the
4 person or the person's agent or representative;

5 (2) In counties with a population of five hundred thousand
6 or more, not less than two-thirds of the registered
7 voters residing within, and small businesses situated
8 within, a distance of five hundred feet from the
9 nearest point of the premises for which the license is
10 asked; provided that in meeting this requirement, the
11 applicant shall mail notices to not less than three-
12 fourths of the registered voters residing within, and
13 small businesses situated within, a distance of one
14 hundred feet from the nearest point of the premises
15 for which the license is asked. This paragraph shall
16 not apply to applications for class 2, class 4, class
17 12, and class 15 licenses. A notice sent pursuant to
18 this paragraph shall be addressed to the "occupant" of
19 the residential unit or small business; and

20 (3) For each condominium project and cooperative apartment
21 within the five hundred-foot area, one notice of the



1 hearing shall be sent by mail addressed "To the
2 Residents, Care of the Manager", followed by the name
3 and address of the condominium or cooperative
4 apartment involved.

5 The notices required under this subsection shall be mailed at
6 least forty-five days prior to the date set for the hearing[-]
7 (except that in counties with a population of five hundred
8 thousand or more, the notices shall be mailed at least thirty
9 days prior to the date set for the hearing). No promotional
10 information shall be allowed on, or accompany the notice.
11 Before the hearing, and within seven business days of having
12 mailed the notices, the applicant shall file with the commission
13 an affidavit that the notices have been mailed in compliance
14 with this subsection. In addition to the affidavit (which shall
15 be made available within the same seven-business-day period with
16 proof of having mailed the notices), the applicant shall include
17 both a master list of one hundred per cent of addressees and
18 addresses required by paragraphs (1), (2), and (3), and another
19 mailing list consisting of the portion of addressees and their
20 respective addresses who were mailed the notice purposely needed
21 to meet the requirements of paragraphs (1), (2), and (3). The



1 affidavit, master list, and mailing list shall be made available
2 within seven business days (of the mailing of the notice by the
3 applicant) by the commission for public review upon request.
4 For purposes of this section, "master list" means every owner
5 and lessee who would otherwise be required to receive notice of
6 the public hearing according to the requirement of paragraphs
7 (1), (2), and (3), even if they were not actually included in
8 the two-third or three-fourths requirement (as the case may be)
9 of paragraph (1) or (2), and every condominium project and
10 cooperative apartment qualifying in paragraph (3). When the
11 requirements of this section have not been met, the commission
12 may cancel the hearing or continue the public hearing subject to
13 the provisions of this section."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY:

Anna Mercedes K.



S.B. NO. 1154

Report Title:

Liquor Commission; Liquor License; Public Hearing; Public Notice

Description:

For counties with a population of five hundred thousand or more: requires a public hearing before the liquor commission on an application for a liquor license to be held not less than thirty days after the first public notice for the hearing.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



**LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU**

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ANNA C. HIRAI
ASSISTANT ADMINISTRATOR

March 13, 2015

Representative Derek S.K. Kawakami, Chair
Representative Sam Satoru Kong, Vice Chair
Committee on Economic Development & Business

Hearing: Tuesday, March 17, 2015
9:00 a.m.; Room 312

Position: Support for SB 1154, Relating to the Liquor Commission

Dear Chair Kawakami, Vice Chair Kong, and Members:

The Liquor Commission, City and County of Honolulu (Commission), supports Senate Bill 1154, Relating to the Liquor Commission.

For liquor license applicants, the ability to obtain an approved liquor license is a critical step in commencing operations and generating revenue to offset the sizeable investment in capital and time required to start a liquor licensed business. At the same time, the minimum time between the notice of the public hearing on a license application and the public hearing itself set forth in Section 281-57(b) and -57(c), Hawaii Revised Statutes (HRS), ensures that registered voters and owners/lessees residing within 500 feet of the proposed premises have adequate time to evaluate a proposed licensed premises that will impact their immediate surroundings and express concerns regarding the application, if warranted. The proposed measure will amend Section 281-57(b) and -57(c), HRS, to reduce the minimum "wait time" between the notice and the public hearing for Honolulu County applicants from 45 days to 30 days. This reduction will enable applicants to commence operations under an approved liquor license at an earlier opportunity, while still affording ample time to registered voters and owners/lessees to exercise their right to evaluate and comment on the application.

The Liquor Commission urges your support of Senate Bill 1154, Relating to the Liquor Commission. Thank you for the opportunity to testify.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Franklin Don Pacarro, Jr.", is written over a printed name.

FRANKLIN DON PACARRO, JR.
Administrator

FDP:ACH

March 16, 2015

Rep. Derek S.K. Kawakami, Chair
Committee on Economic Development & Business

Re: SB 1154 (SSCR570) RELATING TO THE LIQUOR COMMISSION
Tuesday, March 17, 2015 at 9:00 a.m.
Conference Room 312
Testimony in Support of SB 1154

Chair Kawakami:

I am submitting this testimony in support of SB 1154 RELATING TO THE LIQUOR COMMISSION. I am a licensed attorney in the State of Hawaii and I have been assisting with Liquor License Applications for over 14 years for various large retail stores, hotels, restaurants and other companies doing business in Hawaii.

I understand that SB 1154 allows the Public Hearing on a Liquor License Application not less than thirty (30) days after the first public notice of the hearing which would be a reduction from the current forty-five (45) day notice requirement.

- The thirty (30)-day notice requirement would be generally beneficial to Liquor License applicants since this would allow the required Public Hearing to be held fifteen (15) days earlier and allow Liquor Licenses to be issued earlier. Accordingly this would result in earlier opening dates for the employment of employees and revenue for the business.
- The thirty (30)-day notice requirement appears to allow members of the public sufficient time to submit opposition or support of the Liquor License Application.
- The thirty (30)-day notice requirement period is easier to calculate by members of the public rather than the forty-five (45)-day period which is generally more confusing to calculate.

Very truly yours,



ROBERT A. UEOKA

kong3

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 13, 2015 5:48 PM
To: edbtestimony
Cc: newtonc002@hawaii.rr.com
Subject: Submitted testimony for SB1154 on Mar 17, 2015 09:00AM

SB1154

Submitted on: 3/13/2015

Testimony for EDB on Mar 17, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Newton Chu	Individual	Support	No

Comments: As an attorney who represents businesses applying for licenses to sell liquor, it is important that the timeline for opening not be delayed. This bill will assist in this effort. I do not believe that the shortening of the time period from 45 days to 30 days will harm the public. Please pass this bill. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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