

Honolulu, Hawaii

March 20, 2015RE: S.B. No. 868
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Economic Development & Business, to which was referred S.B. No. 868, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS,"

begs leave to report as follows:

The purpose of this measure is to clarify regulations regarding dancing in establishments licensed to serve alcohol by:

- (1) Authorizing each county Liquor Commission to regulate dancing in licensed premises; and
- (2) Requiring each county Liquor Commission that chooses to regulate dancing to adopt or amend rules regarding limitations on dancing in licensed premises and define the term "dancing", no later than October 1, 2015.

Maui Dance Advocates and a concerned individual testified in support of this measure. The Grassroot Institute of Hawaii provided comments.

Under current law, county Liquor Commissions have the sole jurisdiction, power, authority, and discretion, to control, supervise, and regulate the manufacture, importation, and sale of liquor by individuals and establishments, including through licensure. However, your Committee was informed that different county Liquor Commissions have established different rules



regarding dancing on the premises of establishments that are licensed to serve alcohol. This has led to confusion among both establishment owners and patrons as to whether dancing in any location on the establishment's premises, other than a designated dance floor, is permissible.

Your Committee has amended this measure by:

- (1) Clarifying county Liquor Commissions' express authority to regulate dancing on the premises of an establishment serving alcohol;
- (2) Clarifying that jurisdiction, power, authority, and discretion to regulate establishments that serve alcohol does not rest solely with a county Liquor Commission; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

This measure, as amended, provides each county Liquor Commission with the express authority to regulate dancing in licensed premises through administrative rules and requires each county Liquor Commission that chooses to regulate dancing to have rules in place regarding limitations on dancing and define the term "dancing" by a certain date. This will address confusion and enable county Liquor Commissions to provide establishments and patrons with an understanding of, and guidelines regarding, any dancing regulations.

As affirmed by the record of votes of the members of your Committee on Economic Development & Business that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 868, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 868, S.D. 1, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Economic
Development & Business,



DEREK S.K. KAWAKAMI, Chair



Record of Votes of the Committee on Economic Development & Business

Bill/Resolution No.: SB 868 301	Committee Referral: EDB, CPC, FIN	Date: 17 Mar 15		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EDB Members	Ayes	Ayes (WR)	Nays	Excused
1. KAWAKAMI, Derek S.K. (C)	/			
2. KONG, Sam Satoru (VC)	/			
3. BROWER, Tom	/			
4. CACHOLA, Romy M.	/			
5. CHOY, Isaac W.	/			
6. DECOITE, Lynn	/			
7. ITO, Ken	/			
8. OHNO, Takashi	/			
9. ONISHI, Richard H.K.	/			
10. TOKIOKA, James Kunane	/			
11. TSUJI, Clift	/			
12. WOODSON, Justin H.	/			
13. MATSUMOTO, Lauren Kealohilani	/			
14. WARD, Gene	/			
TOTAL (14)	14			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u> James S. Kay </u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				