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ECONOMIC REVITALIZATION, BUSINESS,
AND MILITARY AFFAIRS

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION, 2010

Thursday, February 25, 2010
9:30 a.m.

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 92
AND
HOUSE RESOLUTION NO. 41
REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO
STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS
FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES.**

WRITTEN ONLY

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (Department) appreciates the opportunity to provide comments on H.C.R. No. 92 and H.R. No. 41, which requests the Department to study the feasibility of establishing mandatory uniform statewide training standards for sellers and servers of alcoholic beverages. I am Ron Boyer, the Department's Deputy Director.

The Department takes no position on the merits of the study called for in the resolutions. We appreciate the Legislature's confidence in the Department's ability to

conduct such a study. However, we submit that there are agencies better suited for such an endeavor, specifically the Legislative Reference Bureau (LRB).

The resolutions correctly state that the Hawaii Revised Statutes (HRS) leaves the licensing and regulation of commercial alcoholic beverages to the several counties. Specifically, chapter 281, HRS, authorizes the counties to establish a liquor commission or liquor control adjudication board. Chapter 281, HRS, also provides those boards and commissions with the **sole** jurisdiction, power, authority, and discretion to among other things, grant, refuse, suspend, and revoke licenses for the manufacture, importation, and sale of liquor, and to take appropriate action against a person who manufactures, sells, or purchases liquor without being authorized. Consequently, the Department plays no role in the regulation of liquor, and as such, has no experience or expertise in the area.

Although the Department has conducted studies on matters that relate to our core mission in the past, studies are not part of our core mission, whereas, research is a principal purpose of the LRB. Specifically, section 23G-3, HRS, enumerates the purposes of the LRB to include the provision of comprehensive research services for the Legislature, and to conduct impartial research as may be necessary for the enactment of substantive legislation, upon request by the Legislature. The LRB has a history of providing quality research services to the Legislature. Some of LRB's more recent studies include: *Access, Distribution, and Security Components of State Medical Marijuana Programs*, *Fair or Foul? A Sports and Entertainment Management Program at the University of Hawaii*, and *Gimme a Break: Respite Care Services in Other States*.

Therefore, the Department respectfully requests that the resolutions be amended to have the LRB conduct the study.

Thank you for the opportunity to comment on the measures.



HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

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Thursday, February 25, 2010 @ 9:30 a.m. in CR 312

To: House Committee on Economic Revitalization, Business & Military Affairs
Rep. Angus L.K. McKelvey Chair
Rep. Isaac W. Choy, Vice Chair

By: Richard C. Botti, President
Lauren Zirbel, Government Relations

Re: HCR 92 and HR 41 RELATING TO THE TRAINING OF ALCOHOLIC
BEVERAGE SERVERS AND SELLERS

Chairs & Committee Members:

We support these resolutions.

While our HRS delegates authority to control alcoholic beverages to each county, it is time that issues involving licensees that conduct business in more than one county have some continuity between the four different rules.

We need to be in a situation where managers and employees can move without restrictions between islands. A licensee and their employees should not have to deal with four different policies when we are one state.



MADD
Activism | Victim Services | Education™

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February 25, 2010

To: Representative Angus McKelvey, Chair – House Committee on Economic Revitalization, Business, & Military Affairs; Representative Isaac Choy, Vice Chair; and members of the committee

From: Arkie Koehl — Chairman, Operations Council, MADD Hawaii

Re: HCR 92 and HR 41 – Relating to Alcoholic Beverage Server Training Standards

I am Arkie Koehl, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving **in strong support** of HCR 92 and HR 41, requesting DCCA to form a working group with MADD Hawaii to study the feasibility of mandatory statewide training standards for sellers and servers of alcoholic beverages.

As the resolutions state, there is a need to standardize server training across our counties, in order to:

- Provide county liquor commissions with statutory tools to enhance the effectiveness of their activities
- Provide single statewide certification to workers in the retail and serving industry
- Enable a framework for more favorable insurance and liability profiles to owners of retail and serving establishments
- Advance Hawaii's efforts to reduce the tragedy and waste of impaired driving and other behaviors

By bringing together community and government stakeholders, we believe sound legislation can be drafted by the end of this year for consideration by the Legislature in its 2011 session.

MADD is grateful to the committee for its prompt hearing of these proposed resolutions, and we respectfully urge their adoption.

Thank you for this opportunity to testify.