

STAND. COM. REP. NO.

1257

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 1221
H.D. 1
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1221, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to exempt a liquor licensee from liability for certain violations if the licensee has in place a security plan approved by the liquor commission to prevent consumption of liquor by minors and the licensee acts in good faith to implement the security plan.

Your Committee finds that while this measure may have merit and should be advanced to the conference process so that discussion may continue, your Committee has reservations about the policy enshrined in this measure. Your Committee questions whether the standard of good faith compliance with a security plan is adequate to effectively prevent minors from accessing and consuming liquor. Your Committee has further concerns that this measure may allow conduct in a large facility that would be impermissible at other licensed premises. However, your Committee notes that its concerns are not necessarily insurmountable and may be balanced by other interests. Therefore as this measure advances in the legislative process, your Committee is committed to remain actively involved in seeking an appropriate and permanent resolution to the important issues raised.

Your Committee has amended this measure by:

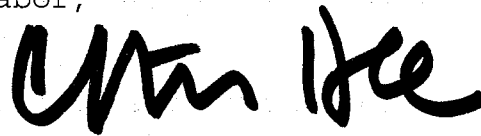
2011-2109 SSCR SMA.doc



- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1221, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1221, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1221, HD1, SD1	PHM/CPN, JDL	4/8/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes