

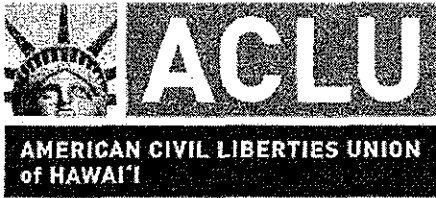
HB 1339, hd1

Measure Title:

RELATING TO LIQUOR COMMISSIONS

Report Title:

Requires county liquor commissions to adopt or amend rules by July 1, 2012, regarding conduct of patrons and to define the term "dancing." Effective January 1, 2059. (HB1339 HD1)



Committee: Committee on Public Safety, Government Operations and Military Affairs
Hearing Date/Time: Tuesday, March 17, 2011, 2:55 p.m.
Place: Room 224
Re: Testimony of the ACLU of Hawaii in Support of H.B. 1339, HD1,
Relating to Liquor Commissions

Dear Chair Espero and Members of the Committee on Public Safety, Government Operations and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 1339, HD1, Relating to Liquor Commissions, which would require county liquor commissions to adopt or amend rules regarding conduct of patrons and to define the term "dancing."

The ACLU of Hawaii has received a number of complaints about Maui's "Footloose" rule, Rule 08-101-23, which, among other things, prohibits dancing in bars and restaurants that serve alcohol, except on a designated dance floor. Patrons are not allowed to "dance" anywhere else in the bar or restaurant without bringing heavy fines on the bar/restaurant owner. The rule fails to define dancing and, as such, leaves small business owners and patrons without any notice as to what movements would be considered "dancing."

The complaints allege that Liquor Control officers are overzealous in their enforcement of these rules and that the Liquor Control Commission has been unresponsive and outright hostile to complaints. H.B. 1339, HD1, may help to resolve that conflict by requiring the Liquor Control Commissions to ensure that its rules protect the constitutional rights of our residents and visitors. We urge you to support H.B. 1339, HD1.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2011 5:10 PM
To: PGM Testimony
Cc: chandra_krown@yahoo.com
Subject: Testimony for HB1339 on 3/17/2011 2:55:00 PM

Testimony for PGM 3/17/2011 2:55:00 PM HB1339

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Chandra Krown
Organization: Individual
Address:
Phone:
E-mail: chandra_krown@yahoo.com
Submitted on: 3/16/2011

Comments:

It is really important that people can freely enjoy moving to the beat of the music when in a bar or club and I understand that some people have been asked to leave establishments in Maui because they were considered to be dancing' outside of the 'designated areas'. The liquor commission has not defined 'dancing' and so clubs and bars are afraid to loose their licenses and therefore become too strict with any type of movement that might be considered 'dancing'.

Please ensure the liquor board defines 'dancing' so people can enjoy themselves within a clearly defined 'rule'.

Mahalo,
Chandra Krown

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 17, 2011 12:31 AM
To: PGM Testimony
Cc: sunny.a.m.fitz@gmail.com
Subject: Testimony for HB1339 on 3/17/2011 2:55:00 PM

Testimony for PGM 3/17/2011 2:55:00 PM HB1339

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Ashley Fitzgerald
Organization: Individual
Address:
Phone:
E-mail: sunny.a.m.fitz@gmail.com
Submitted on: 3/17/2011

Comments:

When Maui friends tell me that they are hassled for mere movements that might be construed as "dance" in a place that is not currently designated for dancing, I am less likely to patronize the places where this antiquated law is so strictly enforced. Everyone is concerned about the economy these days, and I believe that adopting new rules or amending the current ones would increase profits for local businesses, as patrons would feel comfortable to enjoy themselves, to eat, drink, and be merry.