

Representative Angus L. K. McKelvey, Chair
Representative Isaac W. Choy, Vice Chair
Committee on Economic Revitalization, Business,
& Military Affairs Committee

House of Representatives of the State of Hawai'i

Lance D. Collins, Esq.

Tuesday, February 9, 2010
Support of HB No. 2818, Relating to Liquor Commissions

My name is Lance D. Collins. I am an attorney in private practice on the island of Maui and testify on my own behalf. I submit testimony **in strong support for** this bill.

This bill seeks to eliminate a gray area in the law that affirms that liquor inspectors do not have unfettered power to interfere with the expression of individual citizens under the pretext of enforcing liquor regulations.

State v. Shigematsu, 52 Haw. 604, held that the Hawai'i Supreme Court grants a constitution right to movement: "Freedom would be incomplete if it does not include the right of men to move from place to place, to walk in the fields in the country or on the streets of a city, to stand under open sky in a public park and enjoy the fresh air, to lie down on a public beach and enjoy a sunbath, to visit a friend in his home and enjoy an evening together, and the right to associate with others in the enjoyment of an avocation or a vocation."

This bill would simply clarify this to avoid the expense of unnecessary litigation. It would have no impact on the Liquor Commission's authority to regulate the health, safety and public welfare only requiring that all such regulations be done in a content neutral and non-arbitrary and non-capricious manner.

Thank you for this opportunity to provide testimony on this measure.

Mahalo.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2010 9:12 AM
To: EBMtestimony
Cc: framodda@yahoo.com
Subject: Testimony for HB2818 on 2/9/2010 8:30:00 AM
Attachments: Testimony in Support Of HB2818.doc

Testimony for EBM 2/9/2010 8:30:00 AM HB2818

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Ramoda Anand
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Submitted on: 2/8/2010

Testimony in Support Of HB2818

The current rules allow the Liquor Commission to be vague and inconsistent in their interpretation and enforcement of the law regarding dancing in establishments where alcohol is served.

We need the State Legislature to require the Liquor Commission to define "dancing", so that enforcement is no longer arbitrary and inconsistent, and to ensure our freedom of expression as protected by our Constitution.