

Representative Angus McKelvey, Chair
Representative Isaac Choi, Vice-Chair
Economic Revitalization & Business Committee

House of Representatives of the State of Hawai'i

Lance D. Collins, Ph.D
Law Office of Lance D Collins

Thursday, February 10, 2011
Support HB No. 1339 , 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 support this bill.

Our State Constitution guarantees the people of Hawai'i the freedom of movement and the freedom of association. This has been upheld by our courts in a myriad of ways.

It is unfortunate that on Maui, establishments that serve liquor have to stifle these important freedoms for fear of disapproving liquor inspectors applying ambiguous and vague rules.

This amendment to the law will make clear that when Liquor Commissions intend to burden the freedom of speech, movement and association of individuals, they must do so with those freedoms in mind and not simply hide behind the fact that the regulations do so indirectly.

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

Mahalo.

//

Aloha Committee members,

I have been trying to change the dancing regulations in the state of Hawaii for many years now. I am in strong support of HB1339. I have a dance teacher that was been told not to dance, while she was on vacation on Maui. In addition the president of Maui Dance Advocates has witnessed the unfair consequences of dancing in a facility that serves liquor. I strongly urge you to pass this bill.

Mahalo, Ramoda Anand, vice president of Maui Dance Advocates

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 10:06 AM
To: ERBtestimony
Cc: adellelennox@gmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Adelle Lennox
Organization: Individual
Address:
Phone: 808 5738303
E-mail: adellelennox@gmail.com
Submitted on: 2/8/2011

Comments:

I support HB1339! Please allow us the space to dance in venues! Kind Mahalo!

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 10:08 AM
To: ERBtestimony
Cc: songdiva@hotmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Sue Nehme
Organization: Individual
Address: Kihei, HI
Phone:
E-mail: songdiva@hotmail.com
Submitted on: 2/8/2011

Comments:
I support HB 1339. Dancing is a form of expression and a beautiful kind of freedom.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 10:08 AM
To: ERBtestimony
Cc: songdiva@hotmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Sue Nehme
Organization: Individual
Address: Kihei, HI
Phone:
E-mail: songdiva@hotmail.com
Submitted on: 2/8/2011

Comments:

I support HB 1339. Dancing is a form of expression and a beautiful kind of freedom.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 10:12 AM
To: ERBtestimony
Cc: Ardaslove@gmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Alena Wright
Organization: Individual
Address:
Phone: 808-344-9557
E-mail: Ardaslove@gmail.com
Submitted on: 2/8/2011

Comments:
I support HB 1339

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 10:16 AM
To: ERBtestimony
Cc: jackgracephoto@earthlink.net
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Jack Grace
Organization: Individual
Address: 310 Hokulani Pukalani, HI
Phone: 808-357-8103
E-mail: jackgracephoto@earthlink.net
Submitted on: 2/8/2011

Comments:
I support HB 1339.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 10:30 AM
To: ERBtestimony
Cc: moraya@mmstargraphics.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Moraya Morningstar
Organization: Individual
Address: 520 Eono Place Haiku HI 96708
Phone: 808-463-7440
E-mail: moraya@mmstargraphics.com
Submitted on: 2/8/2011

Comments:
I support the dance bill, let dance be free

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 10:31 AM
To: ERBtestimony
Cc: anthony@mauidanceadvocates.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Anthony Simmons
Organization: Maui Dance Advocates
Address: PO Box 790486 Paia, HI
Phone: (808)264-7691
E-mail: anthony@mauidanceadvocates.com
Submitted on: 2/8/2011

Comments:

Aloha

In this world of war, famine and poverty dancing may seem irreverent, but the freedom to move my body is a human right that should not be written off as trivial.

After getting dancing on the agenda of the Maui County Liquor Commission three times all we have been told is it is illegal to 'move the body, especially the feet, in rhythm, ordinarily to music' off the dance floor. Both our court cases were thrown out because we did not have jurisdiction to question the rules of the liquor commission in court. It is administrative law and as a citizen who does not have a license to serve alcohol my voice can not be heard. A few days before our last court appearance we went to the Maui News to get media coverage and the (x)editor Ed Tanji told us 'when the liquor commission decides something it's already done, there is nothing you can do about it.' He sent no press, but did do the LC's press release afterwards stating their victory.

'Can you do the watusi?' No. I can live with that and go do it on the dance floor.

'Can you tape your toe?' No. Then there is something wrong here and it will take legislation to address it. At the last liquor Commission meeting we went to, when Lance Collins asked for a Declaratory Ruling on our behalf, they refused to define '08-101-23 Special conditions a and b for us and voted unanimously to never speak of it again.

Is that democracy? I urge you to support HB 1339. Flailing about and disorderly conduct should be limited to a dance floor, but we all have the right to move our bodies moderately.

Me ka aloha pumehana,
Anthony Simmons
President Maui Dance Advocates
(808)264-7691

'1 response from the Liquor Commission sent to us in letter after we petitioned with 84 signatures for a definition of dancing in 2007. In full it states 'we do not have a definition for dancing, but according to webster dictionary dancing is to...'

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 11:07 AM
To: ERBtestimony
Cc: giorgiapiekarski@hotmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: giorgia
Organization: Individual
Address:
Phone:
E-mail: giorgiapiekarski@hotmail.com
Submitted on: 2/8/2011

Comments:
PLEASE DO NOT TAKE AWAY OUR DANCING FREEDOM.
YOU SHOULD BE WORKING ON POLLUTION LAWS,HELPING THE HOMELESS..SHAME ON YOU.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 11:52 AM
To: ERBtestimony
Cc: catherine_velasquez@yahoo.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Catherine Velasquez
Organization: Individual
Address: HAiku, Hi 96708
Phone:
E-mail: catherine_velasquez@yahoo.com
Submitted on: 2/8/2011

Comments:
I support bill HB 1339
Please do your utmost to pass this bill !

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 12:05 PM
To: ERBtestimony
Cc: wolf@goodfoot.net
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: David Wolfberg
Organization: Individual
Address: Kula, HI
Phone:
E-mail: wolf@goodfoot.net
Submitted on: 2/8/2011

Comments:

I am a professional musician on Maui. The existing laws hurt my income. Please let the people dance! I support HB1339. Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 12:16 PM
To: ERBtestimony
Cc: laylakatrina@hawaii.rr.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Catherine Ryder
Organization: Individual
Address: 22 Auoli Drive Makawao, Hawaii
Phone: 808 283 8733
E-mail: laylakatrina@hawaii.rr.com
Submitted on: 2/8/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 12:27 PM
To: ERBtestimony
Cc: lflaming@earthlink.net
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Lynn Flaming
Organization: Individual
Address: 115 Baldwin Ave #185 Paia, HI
Phone: 8087534752
E-mail: lflaming@earthlink.net
Submitted on: 2/8/2011

Comments:

Please support HB 1339. The current system actually prevents people from dancing when music is playing and the Liquor Control Board uses the lack of definition to harass restaurant and bar owners who are then stressed out and have to hire extra staff to enforce a very bazar law. The law is applied selectively. This leads to speculations about the Liquor Control Board and bribes and payoffs. The law needs clarification. Please support this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 12:30 PM
To: ERBtestimony
Cc: jenrusso@me.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Jen Russo
Organization: Individual
Address: 33 N. Market St. Wailuku
Phone: 808-244-0777
E-mail: jenrusso@me.com
Submitted on: 2/8/2011

Comments:
I support this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 1:43 PM
To: ERBtestimony
Cc: jeskamartodam@yahoo.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Jeska Martodam
Organization: Individual
Address: 934 kuialua place lahaina Hi
Phone: 8082988921
E-mail: jeskamartodam@yahoo.com
Submitted on: 2/8/2011

Comments:

Please allow for modernization to occur. This rule is outdated and has negatively impacted many sectors of our community including local businesses and tourism. It creates situations that are difficult to manage by the establishments that are obligated to enforce it. It drastically affects our community culture because for some like myself, dancing and music is the only reason I would be interested in going to a bar. I feel it is an imposition to our first amendment rights not to be able to dance and express ourselves freely. Dancing does not hurt anyone. The prohibition of alcohol ended a LONG time ago, lets end the prohibition on Dance and free expression!

Mahalo Kindly,
Jeska Martodam
Lahaina Resident

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 3:20 PM
To: ERBtestimony
Cc: wqcinc@hawaii.rr.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Robin Knox
Organization: Individual
Address: 28Waikalani Place Kihei, Hi 96753
Phone: *08)214-9281
E-mail: wqcinc@hawaii.rr.com
Submitted on: 2/8/2011

Comments:

I support the definition of dancing and removing any other ambiguous overly authroitarian restrictions on the right to dance (also known as freedom of expression, freedom to practice culture, religion and other freedoms having dance compoenents

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 3:38 PM
To: ERBtestimony
Cc: cddimin@gmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Chelsea Dimin
Organization: Individual
Address: 618 Hana Hwy. Paia, HI
Phone: 808-250-7633
E-mail: cddimin@gmail.com
Submitted on: 2/8/2011

Comments:
I support HB 1339!

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 4:29 PM
To: ERBtestimony
Cc: Yippster@live.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Jesse Orton
Organization: Individual
Address:
Phone:
E-mail: Yippster@live.com
Submitted on: 2/8/2011

Comments:

I support HB1339. I believe people should be able to move their bodies how ever they would like where ever they would like as long as they are not offending anyone.

Aloha, Jesse Orton

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 6:23 PM
To: ERBtestimony
Cc: usmaui@hotmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Courtney Bruch
Organization: Individual
Address: P.O. Box 735 HI
Phone: 808 283-6837
E-mail: usmaui@hotmail.com
Submitted on: 2/8/2011

Comments:

I support HB 1339. Dancing is a God given right. I once visited Hana Hou restaurant in Haiku~an amazing blue grass band was playing. I instantly started dancing with joy. A waiter informed me it was illegal to dance. I thought he was kidding. Whom ever thought one couldn't keep from dancing to the Haiku Hillbillys doesn't know the natural laws of the universe. I took my dancing to the parking lot under the stars. This law needs to be changed.

Thank you,
Courtney Bruch

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 1:54 AM
To: ERBtestimony
Cc: peggyemartin@hotmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Peggy Martin
Organization: Individual
Address:
Phone:
E-mail: peggyemartin@hotmail.com
Submitted on: 2/9/2011

Comments:
As a resident of Maui, I support HB 1339.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 7:43 AM
To: ERBtestimony
Cc: sitachispita@gmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Sita Schussler
Organization: Individual
Address: Upper Ulumalu Road Haiku, Hawaii
Phone:
E-mail: sitachispita@gmail.com
Submitted on: 2/9/2011

Comments:

My favorite thing to do in the world is dancing. My mama says I was born dancing and I hope that is the last thing I ever do. It never bothers anyone. In fact it makes people smile to see joyful dancing. We should be able to dance anywhere. It's just a fun way to move about, like skipping down the street. Please allow us our freedom to express our musical appreciation through dance, whenever and wherever we feel. It is no harm to any one. I support HR 1339

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 8:53 AM
To: ERBtestimony
Cc: mauichris@gmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Chris Taylor
Organization: Individual
Address: 10 ai St. Makawao, HI
Phone: 8083853495
E-mail: mauichris@gmail.com
Submitted on: 2/9/2011

Comments:

I believe that the freedom of expression should not be restricted by the liquor commission as long as it doesn't endanger others. Freedom of expression is part of what our country was founded on.
Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 12:08 PM
To: ERBtestimony
Cc: rajeq@yahoo.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Raje Anand
Organization: Individual
Address:
Phone:
E-mail: rajeq@yahoo.com
Submitted on: 2/9/2011

Comments:
I strongly support HB1339

Aloha Raje Anand

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 12:53 PM
To: ERBtestimony
Cc: Sarah@sarahcollinslac.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Sarah Collins
Organization: Individual
Address:
Phone:
E-mail: Sarah@sarahcollinslac.com
Submitted on: 2/9/2011

Comments:

I support HB1339. I believe as human beings we have a right to dance where ever when ever

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 1:03 PM
To: ERBtestimony
Cc: stephclifton@gmail.com
Subject: Testimony for HB1339 on 2/10/2011 8:00:00 AM

Testimony for ERB 2/10/2011 8:00:00 AM HB1339

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: stephanie clifton
Organization: Individual
Address: ulumalu road Haiku, HI
Phone:
E-mail: stephclifton@gmail.com
Submitted on: 2/9/2011

Comments:
I support HB 1339