
A BILL FOR AN ACT

RELATING TO LIQUOR COMMISSIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 281-17, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The liquor commission, within its own county, shall
4 have the sole jurisdiction, power, authority, and discretion,
5 subject only to this chapter:

6 (1) To grant, refuse, suspend, and revoke any [~~licenses~~
7 license for the manufacture, importation, and sale of
8 liquors;

9 (2) To take appropriate action against a person who,
10 directly or indirectly, manufactures, sells, or
11 purchases any liquor without being authorized pursuant
12 to this chapter; provided that in counties which have
13 established by charter a liquor control adjudication
14 board, the board shall have the jurisdiction, power,
15 authority, and discretion to hear and determine
16 administrative complaints of the director regarding
17 violations of the liquor laws of the State or of the



1 rules of the liquor commission, and impose penalties
2 for violations thereof as may be provided by law;

3 (3) To control, supervise, and regulate the manufacture,
4 importation, and sale of liquors by investigation,
5 enforcement, and education; provided that any
6 educational program shall be limited to the commission
7 staff, commissioners, liquor control adjudication
8 board members, and licensees and their employees, and
9 shall be financed through the money collected from the
10 assessment of fines against licensees; provided that
11 fine moneys, not to exceed ten per cent a year of
12 fines accumulated, may be used to fund public [~~liquor~~
13 ~~related~~] liquor-related educational or enforcement
14 programs;

15 (4) From time to time to make, amend, and repeal [~~such~~]
16 rules, not inconsistent with this chapter, as in the
17 judgment of the commission [~~seem~~] are deemed
18 appropriate for carrying out this chapter and for the
19 efficient administration thereof, and the proper
20 conduct of the business of all licensees, including
21 every matter or thing required to be done or which may



1 be done with the approval or consent [~~e~~], by order
2 [~~e~~], under the direction or supervision of, or as
3 prescribed by the commission; which rules, when
4 adopted as provided in chapter 91 shall have the force
5 and effect of law;

6 (5) Subject to chapter 76, to appoint and remove an
7 administrator, who may also be appointed an
8 investigator and who shall be responsible for the
9 operations and activities of the staff. The
10 administrator may hire and remove hearing officers,
11 investigators, and clerical or other assistants as its
12 business may from time to time require, [~~t~~] prescribe
13 their duties[~~r~~] and fix their compensation[~~r~~—~~t~~], and
14 engage the services of experts and persons engaged in
15 the practice of a profession, if deemed expedient.
16 Every investigator, within the scope of the
17 investigator's duties, shall have the powers of a
18 police officer;

19 (6) To limit the number of licenses of any class or kind
20 within the county, or the number of licenses of any
21 class or kind to do business in any given locality,



- 1 when in the judgment of the commission such
2 limitations are in the public interest;
- 3 (7) To prescribe the nature of the proof to be furnished,
4 the notices to be given, and the conditions to be met
5 or observed in case of the issuance of a duplicate
6 license in place of one alleged to have been lost or
7 destroyed, including a requirement of any indemnity
8 deemed appropriate to the case;
- 9 (8) To fix the hours between which licensed premises of
10 any class or classes may regularly be open for the
11 transaction of business, which shall be uniform
12 throughout the county as to each class respectively;
- 13 (9) To prescribe all forms to be used for the purposes of
14 this chapter not otherwise provided for in this
15 chapter, and the character and manner of keeping of
16 books, records, and accounts to be kept by licensees
17 in any matter pertaining to their business;
- 18 (10) To investigate violations of this chapter, chapter
19 244D and, notwithstanding any law to the contrary,
20 violations of the applicable department of health's
21 allowable noise levels, through its investigators or



1 otherwise, to include covert operations, and to report
2 violations to the prosecuting officer for prosecution
3 and, where appropriate, the director of taxation to
4 hear and determine complaints against any licensee;
5 provided that a liquor commission in a county with a
6 population of seven hundred thousand or greater may
7 establish a pilot program that employs both a dBA and
8 a dBC sound level measurement system for the purpose
9 of community noise control; provided further that the
10 dBC sound level measurements shall be in accordance
11 with the following maximum permissible sound levels in
12 dBC:

13 (A) Zoning districts that include all areas
14 equivalent to lands zoned residential,
15 conservation, preservation, public space, open
16 space, or similar type shall have a maximum dBC
17 sound level of fifty-five from 7:00 a.m. to 10:00
18 p.m. and a maximum dBC level of forty-five from
19 10:00 p.m. to 7:00 a.m.;

20 (B) Zoning districts that include all areas
21 equivalent to lands zoned for multi-family



1 dwellings, apartment, business, commercial,
2 hotel, resort, or similar type shall have a
3 maximum dBC sound level of sixty from 7:00 a.m.
4 to 10:00 p.m. and a maximum dBC level of fifty
5 from 10:00 p.m. to 7:00 a.m.; and

6 (C) Zoning districts that include all areas
7 equivalent to lands zoned in agriculture,
8 country, industrial, or similar type shall have a
9 maximum dBC sound level of seventy from 7:00 a.m.
10 to 10:00 p.m. and a maximum dBC level of seventy
11 from 10:00 p.m. to 7:00 a.m.;

12 (11) To prescribe, by rule, the terms, conditions, and
13 circumstances under which persons or any class of
14 persons may be employed by holders of licenses;

15 (12) To prescribe, by rule, the term of any license or
16 solicitor's and representative's permit authorized by
17 this chapter, the annual or prorated amount, the
18 manner of payment of fees for the licenses and
19 permits, and the amount of filing fees; [~~and~~]



1 (13) To prescribe, by rule, limitations on licensed
2 premises regarding dancing therein if the liquor
3 commission chooses to regulate dancing; and
4 [~~(13)~~] (14) To prescribe, by rule, the circumstances and
5 penalty for the unauthorized manufacturing or selling
6 of any liquor."

7 SECTION 2. No later than October 1, 2015, each county
8 liquor commission that chooses to regulate dancing shall adopt
9 or amend rules regarding dancing in premises licensed to sell
10 liquor for consumption thereon. The rules of each county liquor
11 commission that chooses to regulate dancing shall include a
12 definition of the term "dancing".

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval;
16 provided that the amendments made to section 281-17(a), Hawaii
17 Revised Statutes, in section 1 of this Act shall not be repealed
18 on May 5, 2017, pursuant to section 4 of Act 297, Session Laws
19 of Hawaii 2012.

20



Report Title:

Liquor Commissions; Rules; Dancing

Description:

Requires county liquor commissions that choose to regulate dancing to adopt or amend rules regarding limitations on dancing. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



kong3

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 11:47 AM
To: edbtestimony
Cc: jiva@mauidanceadvocates.com
Subject: Submitted testimony for SB868 on Mar 17, 2015 09:00AM



SB868

Submitted on: 3/16/2015
Testimony for EDB on Mar 17, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jiva Jive	Maui Dance Advocates	Support	No

Comments: Aloha, Dance floors are great for dancing, but all humans have the right to move their bodies. This bill helps to give us a little wiggle room. Please pass it through your committee so we can hash out the details on the county level. Mahalo, Jiva Jive

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kong3

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 15, 2015 10:15 PM
To: edbtestimony
Cc: jamesjtz@aol.com
Subject: *Submitted testimony for SB868 on Mar 17, 2015 09:00AM*

SB868

Submitted on: 3/15/2015

Testimony for EDB on Mar 17, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments:

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March 17, 2015
9:00 AM
Conference Room 312

To: House Committee on Economic Development & Business
Rep. Derek Kawakami, Chair
Rep. Sam Kong, Vice Chair

From: Grassroot Institute of Hawaii
President Keli'i Akina, Ph.D.

RE: SB 868 -- RELATING TO LIQUOR COMMISSIONS
Comments Only



Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on SB 868, which would require those county liquor commissions that choose to regulate dancing to adopt or amend their rules regarding any limitations on dancing.

It is a basic principle of justice that there be certainty in those laws and regulations that proscribe behavior—especially behavior that would ordinarily be publicly acceptable. It is hard to think of an activity more closely identified with our state than dance. To allow for arbitrary enforcement of vaguely outlined prohibitions on this type of free expression flirts with unconstitutional regulation.

Requiring that such limitations be clearly outlined is a necessary step in the defense of the public interest and civil liberties in general.

Thank you for the opportunity to submit our comments.

Sincerely,
Keli'i Akina, Ph.D.
President, Grassroot Institute of Hawaii