

JAN 23 2009

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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 for
7 the manufacture, importation, and sale of liquors;

8 (2) To take appropriate action against a person who,
9 directly or indirectly, manufactures, sells, or
10 purchases any liquor without being authorized pursuant
11 to this chapter; provided that in counties which have
12 established by charter a liquor control adjudication
13 board, the board shall have the jurisdiction, power,
14 authority, and discretion to hear and determine
15 administrative complaints of the director regarding
16 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 licensees and
7 their employees and shall be financed through the
8 money collected from the assessment of fines against
9 licensees; and provided further that money collected
10 from the assessment of fines against licensees shall
11 also be expended to finance substance abuse treatment
12 and prevention programs, as may be provided by the
13 county in which the liquor commission has jurisdiction
14 or private programs within that county;

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 appropriate for
18 carrying out this chapter and for the efficient
19 administration thereof, and the proper conduct of the
20 business of all licensees, including every matter or
21 thing required to be done or which may be done with
22 the approval or consent or by order or under the



1 direction or supervision of or as prescribed by the
2 commission; which rules, when adopted as provided in
3 chapter 91 shall have the force and effect of law;

4 (5) Subject to chapter 76, to appoint and remove an
5 administrator, who may also be appointed an
6 investigator and who shall be responsible for the
7 operations and activities of the staff. The
8 administrator may hire and remove hearing officers,
9 investigators, and clerical or other assistants as its
10 business may from time to time require, to prescribe
11 their duties, and fix their compensation; to engage
12 the services of experts and persons engaged in the
13 practice of a profession, if deemed expedient. Every
14 investigator, within the scope of the investigator's
15 duties, shall have the powers of a police officer;

16 (6) To limit the number of licenses of any class or kind
17 within the county, or the number of licenses of any
18 class or kind to do business in any given locality,
19 when in the judgment of the commission such
20 limitations are in the public interest;

21 (7) To prescribe the nature of the proof to be furnished,
22 the notices to be given, and the conditions to be met



1 or observed in case of the issuance of a duplicate
2 license in place of one alleged to have been lost or
3 destroyed, including a requirement of any indemnity
4 deemed appropriate to the case;

5 (8) To fix the hours between which licensed premises of
6 any class or classes may regularly be open for the
7 transaction of business, which shall be uniform
8 throughout the county as to each class respectively;

9 (9) To prescribe all forms to be used for the purposes of
10 this chapter not otherwise provided for in this
11 chapter, and the character and manner of keeping of
12 books, records, and accounts to be kept by licensees
13 in any matter pertaining to their business;

14 (10) To investigate violations of this chapter, chapter
15 244D and, notwithstanding any law to the contrary,
16 violations of the applicable department of health's
17 allowable noise levels, through its investigators or
18 otherwise, to include covert operations, and to report
19 violations to the prosecuting officer for prosecution
20 and, where appropriate, the director of taxation to
21 hear and determine complaints against any licensee;



- 1 (11) To prescribe, by rule, the terms, conditions, and
2 circumstances under which persons or any class of
3 persons may be employed by holders of licenses;
- 4 (12) To prescribe, by rule, the term of any license or
5 solicitor's and representative's permit authorized by
6 this chapter, the annual or prorated amount, the
7 manner of payment of fees for the licenses and
8 permits, and the amount of filing fees; and
- 9 (13) To prescribe, by rule, the circumstances and penalty
10 for the unauthorized manufacturing or selling of any
11 liquor."

12 SECTION 2. Section 281-17.5, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) Any [~~sueh~~] liquor license fees or any moneys
15 collected or received by any liquor commission under this
16 chapter may only be used for costs and expenses directly
17 relating to operational and administrative costs actually
18 incurred by the liquor commission collecting or receiving [~~sueh~~]
19 the liquor license fees or moneys[-], as well as for liquor
20 education programs and substance abuse treatment and prevention
21 programs under section 281-17(3). [~~Sueh~~] The fees or moneys
22 shall not be used for any costs or expenses other than those



1 directly relating to its operation and administration, except as
2 otherwise provided by law."

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

5 SECTION 4. This Act shall take effect upon its approval.
6

INTRODUCED BY:

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Report Title:

Liquor Commission; Substance Abuse Treatment

Description:

Clarifies that money collected by the liquor commission from fines against licensees shall be used for substance abuse treatment and prevention programs, in addition to liquor educational programs.

