

JAN 21 2011

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 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~~
12 that have established by charter a liquor control
13 adjudication board, the board shall have the
14 jurisdiction, power, authority, and discretion to hear
15 and determine administrative complaints of the
16 director regarding violations of the liquor laws of
17 the State or of the rules of the liquor commission,



1 and impose penalties for violations thereof as may be
2 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, licensees and their employees and shall
9 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 educational or enforcement programs;

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



1 commission; which rules, when adopted as provided in
2 chapter 91, shall have the force and effect of law;

3 (5) Subject to chapter 76, to appoint and remove an
4 administrator, who may also be appointed an
5 investigator and who shall be responsible for the
6 operations and activities of the staff. The
7 administrator may hire and remove ~~hearings~~ hearings
8 officers, investigators, and clerical or other
9 assistants as its business may from time to time
10 require, to prescribe their duties, and fix their
11 compensation; to engage the services of experts and
12 persons engaged in the practice of a profession, if
13 deemed expedient. Every investigator, within the
14 scope of the investigator's duties, shall have the
15 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~~ the
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, limitations on licensed
10 premises regarding the expression and conduct of
11 patrons therein; provided that each rule shall comply
12 with constitutional provisions regarding government
13 regulation of expression as if the rule was being
14 directly enforced against patrons; and

15 [~~(13)~~] (14) To prescribe, by rule, the circumstances and
16 penalty for the unauthorized manufacturing or selling
17 of any liquor."

18 SECTION 2. By not later than July 1, 2012, each county
19 liquor commission shall adopt or amend rules regarding the
20 expression and conduct of patrons in premises licensed to sell
21 liquor for consumption thereon. The rules of each county liquor
22 commission shall include a definition of the term "dancing".



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

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *[Signature]*

By Request



Report Title:

Liquor Commissions; Rules; Dancing

Description:

Requires county liquor commissions to adopt or amend rules regarding conduct of patrons and to define the term "dancing".

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

