



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 100, RELATING TO INTOXICATING LIQUOR.

BEFORE THE:

SENATE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS

DATE: Tuesday, February 4, 2025 **TIME:** 3:02 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Jennifer Waihee-Polk or Christopher J.I. Leong, Deputy Attorneys
General

Chair Wakai and Members of the Committee:

The Department of the Attorney General provides the following comments.

On page 1, lines 10-11, this bill amends section 281-53.5, Hawaii Revised Statutes (HRS), to include "officers, directors, or board members of nonprofit organizations" to the persons for whom a criminal history check is not required so long as they are not designated as primary decision-makers regarding the sale or purchase of liquor. However, because the bill, as currently drafted, does not include a comma after "nonprofit organizations," the additional statutory condition—"who are not designated as primary decision-makers regarding the sale or purchase of liquor"—would apply only to nonprofit organization members and would no longer apply to "officers and directors of publicly-traded companies or entities ultimately solely owned by a publicly-traded company."

To correct this mistake, we recommend amending page 1, line 11, to include a comma after "nonprofit organizations" to read as follows:

"members of nonprofit organizations, who are not designated"

As section 1 of the bill only amends section 281-53.5, HRS, to include new statutory material in subsection (a), we also recommend the following technical nonsubstantive amendments for purposes of clarity, consistency, and style, in

accordance with the examples for amending a single subsection, in the Hawaii Legislative Drafting Manual, Eleventh Edition, at pages 109-111.

- On page 1, lines 1-2, amend the prefatory wording of section 1 to read as follows:
"SECTION 1. Section 281-53.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:"
- Then set forth only subsection (a) without the HRS section's section number and title.
- On page 2, line 11, insert an end quotation mark at the end of the sentence, after "this section."
- Delete subsections (b) and (c) from page 2, line 12, to page 3, line 3.
- Revise section 2, page 3, lines 4 to 5, to delete the first sentence, as follows
"SECTION 2. [~~Statutory material to be repealed is bracketed and stricken.~~] New statutory material is underscored."

Thank you for the opportunity to provide comments.

LATE

February 3, 2025

RE: SB100

Mahalo for your time and effort to review SB100 as it relates to the Department of Liquor Control qualifying rules for leaders of Non-Profit Organization.

The current regulations require that any proposed board member for a non-profit organization, who has a liquor license, participate in a gauntlet of steps in order to be considered acceptable as outlined by the Department of Liquor Control. The steps include, but not limited to, criminal background checks and requirements to travel to a designated location to be fingerprinted.

As the President & CEO of the Maui Arts & Cultural Center, I have witnessed first-hand, when presented with the Maui Department of Liquor Control requirements, highly qualified and potentially valuable leader/board member withdraw from consideration. Qualified individuals in their ability to contribute their time, talents and financial resources refuse to subject themselves to such an invasion.

Many have relayed that the rules as they exist, already treat them as if they WERE criminals including a required yet demeaning fingerprinting process. The candidates, often respected business and community members, question the need for the requirements, as they do not relate in any way to their ability to serve as viable board members contributing back to the community.

In many situations exiting rules had an applicable time and place at a previous point in time. As times change, sometimes the requirements no longer are applicable. In this case, it is no longer applicable for the Department of Liquor Control to decide the qualifications/disqualifications for potential non-profit board members via background checks and fingerprinting.

 **Art Vento** *President & CEO*
t. 808-243-4264

One Cameron Way, Kahului, Maui, Hawai'i 96732
808-242-ARTS (2787) MauiArts.org
Inspiring people through personal and shared experiences of the arts
The MACC is a 501(c)3 nonprofit organization, and Hawai'i's most comprehensive performing & visual arts center

[Website](#) | [Facebook](#) | [Twitter](#) | [Maps](#)