

ACT 172

An Act Relating to County Liquor Commissions and Amending Chapter 159, Revised Laws of Hawaii, 1955, as Amended.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to amend the law to place the liquor commissions of the four counties under the jurisdiction of the respective counties.

SECTION 2. Chapter 159 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By amending the definition of "Regulation" appearing in section 159-1 thereof to read as follows:

"'Regulation' shall mean any regulation prescribed by the commission with the approval of the elected executive head of the county for carrying out the provisions of this chapter."

(b) By amending section 159-10 thereof to read as follows:

"Sec. 159-10. County liquor commissions: qualifications; compensation. A liquor commission, consisting of five members, no more than three of whom shall belong to the same political party at the time of appointment, is created for each of the counties. The elected executive head of each county shall nominate, and by and with the advice and consent of the legislative body of the county, shall appoint the members of the commissions. The elected executive head of each county may, by and with the advice and consent of the legislative body of the county, remove from office any of such members. The commission shall designate one of its members as chairman. Each member shall be a citizen of the United States and shall have resided in the county for which appointed for at least three years immediately preceding the date of his appointment.

The terms of office of the members who are holding office on the effective date of this Act shall expire 30 days from the effective date of the Act.

The five succeeding members of the commission shall be appointed, one for a term to expire on December 31, 1965, one for a term to expire on December 31, 1966, one for a term to expire on December 31, 1967, one for a term to expire on December 31, 1968, and one for a term to expire on December 31, 1969. Upon the expiration of the term of each commissioner, his successor shall be appointed for a term to expire five years from the date of the expiration of the preceding term.

The tenure in office of every commissioner shall be for the terms provided and until their successors are duly appointed and qualified.

Any vacancy shall be filled by appointment for the remainder of the unexpired term. No person shall be a member of any commission who is or becomes engaged, or is directly or indirectly interested in any business for the manufacture or sale of liquor or who advocates or is or becomes a member of, or is identified or connected with, any organization or association which advocates prohibition, or who is an elected officer of the state or county government or who presents himself as a candidate for election to any public office during the term of his appointment hereunder. This provision shall be enforced by the elected

executive head of the counties by the removal of the disqualified member whenever such disqualifications shall appear.

The members of the commission shall be allowed their reasonable expenses, for travel and other costs necessarily incidental to the discharge of their duties and shall each receive and be paid compensation for his services at the rate of \$10 per day for each day's actual attendance upon their duties; provided, that they shall not receive more than \$100 each per month on account of such compensation.

Each member of the commission, before entering upon the duties of his office, shall take and subscribe to an oath that he will faithfully perform such duties according to law, which written oath shall be filed with the elected executive head of each county."

(c) By amending section 159-14 thereof to read as follows:

"Sec. 159-14. Reports, accounts, audit. On or before January 31 of each year the chairman of the commission shall submit to the elected executive head of the county a full report upon the business and operations of the commission during the preceding calendar year, with such other matters of information and comment as said elected executive head may deem appropriate. The elected executive head shall furnish copies thereof to the legislative body of the county and to the fiscal officer of the county.

The accounts of the commissions for the several counties shall be regularly examined by the fiscal officer who shall report thereon in writing to the legislative body of the several counties."

(d) By amending section 159-15 of the Revised Laws of Hawaii 1955, as amended, to read as follows:

"Sec. 159-15. County liquor commission funds; disposition of realizations; payment of expenses. All fees and other monies collected or received by each commission under the provisions of this chapter shall be paid weekly or oftener into the general fund of the respective county. All expenses of the commission, including expenses and compensation of its members and expenses and salaries of its subordinates, shall be paid in the manner provided by law out of the general fund of the county."

(e) By amending subsection (c) of section 159-16 thereof to read as follows:

"(c) From time to time to make, amend and repeal such rules and regulations, not inconsistent with this chapter, as in the judgment of the commission seem appropriate for the carrying out of the provisions of this chapter and for the efficient administration thereof, and the proper conduct of the business of all licensees, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the commission; which rules and regulations, when approved by the elected executive head of the county and promulgated and filed as provided in chapter 6C, as amended, shall have the force and effect of law;".

(f) By amending section 159-1 thereof by adding a new paragraph thereto as follows:

"'Elected executive head' shall include the chairman of the board of supervisors of each county and the mayor of the city and county of

Honolulu and any duly appointed or elected successor to the said officers.”

SECTION 3. All employees and officers of the commission presently in office are hereby transferred, without loss in pay, vacation allowances, service credits and other rights and privileges, from the classified service of the State to the classified service of the county or city and county as the case may be in accordance with existing laws.

SECTION 4. All rules and regulations heretofore adopted by the liquor commission for each county and approved by the governor are hereby continued in full force and effect until such time as they are repealed or amended in accordance with law.

SECTION 5. **Severability.** If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. All laws or parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency.

SECTION 7. This Act shall take effect on January 1, 1965.

(Approved June 3, 1963.) **S.B. 11.**
