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OFFICE OF THE
COUNTY COUNCIL

MEMO TO: GET-3(2) File

F R O M: Tamara Paltin, Councilmember *Tamara A.M. Paltin*

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
2021 HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE** (PAF 20-178)

The attached legislative proposal pertains to Item 3(2) on the Committee's agenda.

paf:ske:20-178c

Attachment

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOCATE A PORTION OF LIQUOR FINES COLLECTED PER YEAR TO FUND ALCOHOL ADDICTION TREATMENT PROGRAMS

WHEREAS, impaired driving while under the influence of alcohol contributes to roughly 40 percent of all fatal accidents in Hawaii annually; and

WHEREAS, while it is important to have laws in place to protect the public from drunk drivers, it is equally important to address the root of the issue relating to alcohol addiction; and

WHEREAS, according to a Substance Abuse and Mental Health Services Administration report, the rate of alcohol abuse in Hawaii has been higher than the national average every year since 2010; and

WHEREAS, in uncertain economic times, individuals may be more inclined to use alcohol as a coping mechanism in an attempt to temporarily deal with pain, anxiety, and depression; and

WHEREAS, allocating a portion of liquor fines collected per year to fund alcohol addiction treatment programs would help to provide social and economic benefits to Hawaii's residents; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allocate 15 percent of liquor fines collected per year be used to fund alcohol addiction treatment programs, is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

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A BILL FOR AN ACT

RELATING TO LIQUOR FINES COLLECTED PER YEAR.

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

1 SECTION 1. The Substance Abuse and Mental Health Services
2 Administration reports that the annual rate of alcohol abuse in
3 Hawaii has been higher than the national average every year since
4 2010.

5 Impaired driving while under the influence of alcohol
6 contributes to roughly 40 per cent of all fatal accidents in Hawaii
7 annually.

8 There have been various forms of legislation enacted over the
9 years that help to protect the public from drunk drivers. However,
10 more must be done to prevent alcohol-related deaths, including
11 preventing and treating alcohol addiction.

12 Allocating a portion of liquor fines collected per year to
13 fund alcohol addiction treatment programs is another tool to help
14 minimize and, ultimately, prevent impaired driving.

15 The purpose of this Act is to allocate an additional 15 per
16 cent of liquor fines collected per year to be used to fund alcohol
17 addiction treatment programs.

1 SECTION 2. 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 jurisdiction, power, authority, and discretion, subject
5 only to this chapter:

6 (1) To grant, refuse, suspend, and revoke any license 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 that 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
17 rules of the liquor commission, and impose penalties for
18 violations thereof as may be provided by law;

19 (3) To control, supervise, and regulate the manufacture,
20 importation, and sale of liquors by investigation,
21 enforcement, and education; provided that any
22 educational program shall be limited to the commission
23 staff, commissioners, liquor control adjudication board

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1 members, and licensees and their employees, and shall be
2 financed through the money collected from the assessment
3 of fines against licensees; provided that fine moneys[7]
4 are not to exceed [~~ten~~] 25 per cent a year of fines
5 accumulated, of which 10 per cent may be used to fund
6 public liquor-related educational or enforcement
7 programs and 15 per cent may be used to fund alcohol
8 addiction treatment programs;

9 (4) From time to time to make, amend, and repeal rules, not
10 inconsistent with this chapter, as in the judgment of
11 the commission are deemed appropriate for carrying out
12 this chapter and for the efficient administration
13 thereof, and the proper conduct of the business of all
14 licensees, including every matter or thing required to
15 be done or [~~which~~] that may be done with the approval or
16 consent, by order, under the direction or supervision
17 of, or as prescribed by the commission; which rules,
18 when adopted as provided in chapter 91 shall have the
19 force and effect of law;

20 (5) Subject to chapter 76, to appoint and remove an
21 administrator, who may also be appointed an investigator
22 and who shall be responsible for the operations and
23 activities of the staff. The administrator may hire and

1 remove hearing officers, investigators, and clerical or
2 other assistants as its business may from time to time
3 require, prescribe their duties and fix their
4 compensation, and engage the services of experts and
5 persons engaged in the practice of a profession, if
6 deemed expedient. Every investigator, within the scope
7 of the investigator's duties, shall have the powers of
8 a police officer.

9 (6) To limit the number of licenses of any class or kind
10 within the county, or the number of licenses of any class
11 or kind to do business in any given locality, when in
12 the judgment of the commission such limitations are in
13 the public interest;

14 (7) To prescribe the nature of the proof to be furnished,
15 the notices to be given, and the conditions to be met or
16 observed in the case of the issuance of a duplicate
17 license in place of one alleged to have been lost or
18 destroyed, including a requirement of any indemnity
19 deemed appropriate to the case;

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

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

6 (10) To investigate violations of this chapter, chapter 244D
7 and, notwithstanding any law to the contrary,
8 violations of the applicable department of health's
9 allowable noise levels, through its investigators or
10 otherwise, to include covert operations, and to report
11 violations to the prosecuting officer for prosecution
12 and, where appropriate, the director of taxation to hear
13 and determine complaints against any licensee;

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

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

22 (13) To prescribe, by rule, regulations on dancing in
23 licensed premises; and

