

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2016 MAUI
COUNTY LEGISLATIVE PACKAGE A STATE BILL
AUTHORIZING COUNTY LIQUOR COMMISSIONS TO
PROVIDE FUNDING FOR ALCOHOL ABUSE
TREATMENT AND PREVENTION

WHEREAS, treatment and prevention programs to combat alcohol abuse are critically needed in the State of Hawaii; and

WHEREAS, early, persistent intervention through treatment and prevention programs assist at-risk individuals and reduce long-term societal costs associated with alcohol-related crimes and medical treatment; and

WHEREAS, Section 281-17(a)(3), Hawaii Revised Statutes, provides that county liquor commissions may use up to 10 per cent a year of fines accumulated through the assessment of fines against licensees to fund public liquor-related educational or enforcement programs in the county; and

WHEREAS, revenues collected through county liquor commission license fines should be used to benefit the public through alcohol abuse treatment and prevention, in addition to educational and enforcement programs, without the current 10 per cent limitation; and

WHEREAS, Section 281-17.5(b), Hawaii Revised Statutes, provides that license fees collected by a liquor commission may only be used for costs and expenses directly relating to operational and administrative costs; and

WHEREAS, at least 10 per cent of license fees should be used to benefit the public through alcohol abuse treatment and prevention; and

WHEREAS, enactment of State legislation authorizing county liquor commissions to provide funding for alcohol abuse treatment and prevention would provide counties with a resource to address the problem through revenues generated by the industry from which the problem stems; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to require county liquor commissions to provide funding for alcohol abuse treatment and prevention, in addition to education and enforcement, within their counties, is approved for inclusion in the 2016 Maui County Legislative Package; and
2. That a certified copy of this resolution be transmitted to the Mayor of the County of Maui.

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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 to read as follows:

3 "**§281-17 Jurisdiction and powers.** (a) The liquor
4 commission, within its own county, shall have the jurisdiction,
5 power, authority, and discretion, subject 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 purchases any
10 liquor without being authorized pursuant to this chapter;
11 provided that in counties that have established by charter a
12 liquor control adjudication board, the board shall have the
13 jurisdiction, power, authority, and discretion to hear and
14 determine administrative complaints of the director regarding
15 violations of the liquor laws of the State or of the rules of
16 the liquor commission, and impose penalties for violations
17 thereof as may be provided by law;

EXHIBIT "A"

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1 (3) To control, supervise, and regulate the manufacture,
2 importation, and sale of liquors by investigation, enforcement,
3 and alcohol abuse treatment, prevention, and education; provided
4 that any alcohol abuse treatment, prevention, or educational
5 program [shall be limited to] may include the commission staff,
6 commissioners, liquor control adjudication board members, and
7 licensees and their employees, and shall be financed through the
8 money collected from the assessment of fines against licensees;
9 provided further that fine moneys[, not to exceed] of at least
10 ten per cent a year of fines accumulated[, may] shall be used to
11 fund public liquor-related treatment, prevention, educational,
12 or enforcement programs;

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

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

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

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

21 (8) To fix the hours between which licensed premises of
22 any class or classes may regularly be open for the transaction

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1 of business, which shall be uniform throughout the county as to
2 each class respectively;

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

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

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

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

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1 (13) To prescribe, by rule, regulations on dancing in
2 licensed premises: and

3 (14) To prescribe by rule, the circumstances and penalty
4 for the unauthorized manufacturing or selling of any liquor.

5 (b) Subject only to this chapter, the commission or board
6 and each member thereof shall have the same powers respecting
7 the administering of oaths, compelling the attendance of
8 witnesses and the production of documentary evidence, and
9 examining the witnesses as are possessed by a circuit court,
10 except that the commission or board and each member thereof
11 shall not be bound by the strict legal rules of evidence. In
12 addition, the commission or board shall have the power to
13 require the production of, and to examine any books, papers, and
14 records of any licensee which may pertain to the licensee's
15 business under the license or which may pertain to a matter at a
16 hearing before the commission or board or to an investigation by
17 the commission or board.

18 (c) The commission shall provide funding to the county,
19 through the use of fine moneys, for public and private programs
20 intended to prevent and treat alcohol abuse within the county
21 from which the fines are collected. The funds shall be
22 administered by the applicable county agency through grants.

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1 (d) The exercise by the commission or board of the power,
2 authority, and discretion vested in it pursuant to this chapter
3 shall be final and shall not be reviewable by or appealable to
4 any court or tribunal, except as otherwise provided in this
5 chapter or chapter 91."

6 SECTION 2. Section 281-17.5, Hawaii Revised Statutes, is
7 amended by amending subsection b to read as follows:

8 "(b) Any [such] liquor license fee, or any moneys
9 collected or received by any liquor commission under this
10 chapter, may [only] be used for costs and expenses directly
11 relating to operational and administrative costs actually
12 incurred by the liquor commission collecting or receiving [such]
13 those liquor license fees or moneys; provided, that at least ten
14 per cent of the license fees are used for public liquor-related
15 treatment, prevention, educational, or enforcement programs
16 within the county from which the fees are collected. The fees
17 shall be administered by the applicable county agency through
18 grants.

19 . [Such] The fees or moneys shall not be used for any
20 costs or expenses other than those directly relating to [its
21 operation and administration] such purposes, except as otherwise
22 provided by law."

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1 SECTION 3. Statutory material to be deleted is bracketed
2 and in strikethrough. New statutory material is underscored.

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

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5 INTRODUCED BY: _____

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