

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

November 20, 2015

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on October 12, 2015, makes reference to County Communication 15-158, from Presiding Officer Pro Tempore Michael P. Victorino, relating to matters pertaining to the Maui County Legislative Package.

Your Committee notes the Council may present proposed State bills approved for inclusion in the 2016 Maui County Legislative Package ("Package") for introduction at the start of the 2016 State Legislative Session.

By correspondence dated September 17, 2015, Councilmember Elle Cochran transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL PROHIBITING SMOKING IN MOTOR VEHICLES OCCUPIED BY MINORS." The purpose of the proposed resolution is to authorize for inclusion in the Package a proposed State bill entitled "A BILL FOR AN ACT RELATING TO SMOKING." The purpose of the proposed bill is to prohibit smoking in vehicles occupied by minors.

By correspondence dated September 21, 2015, Councilmember Elle Cochran transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY." The purpose of the proposed resolution is to authorize for inclusion in the Package a proposed State bill entitled "A BILL FOR AN ACT RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES." The

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purpose of the proposed bill is to allow individuals to indicate their disabilities on State identification cards.

By correspondence dated September 21, 2015, Councilmember Robert Carroll transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL THAT PROHIBITS THE SALE OF MARINE LIFE SECURED BY A SPEAR." The purpose of the proposed resolution is to authorize for inclusion in the Package a proposed State bill entitled "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES." The purpose of the proposed bill is to prohibit the sale of marine life secured by use of a spear.

By correspondence dated September 25, 2015, Councilmember Gladys C. Baisa transmitted a proposed resolution entitled "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." The purpose of the proposed resolution is to authorize for inclusion in the Package a proposed State bill entitled "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR." The purpose of the proposed bill is to authorize county liquor commissions to provide funding for alcohol abuse treatment and prevention, in addition to education and enforcement, within their respective counties.

Your Committee noted the proposed bill to ban smoking in vehicles occupied by minors is a step toward safeguarding the health of youth. Your Committee discussed the challenge of enforcing such a law, but decided evidence of the dangers of secondhand smoke warranted enactment of the proposed legislation and would send a strong message to adult smokers.

Your Committee noted the proposed bill allowing individuals the choice to have their disabilities stated on state identification cards could provide qualified persons more convenient access to certain public

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services and provide relevant information to medical personnel in case of emergency.

Your Committee supported the proposed bill banning the sale of marine life taken by spear. Your Committee noted protection is needed for Hawaii's threatened marine resources.

Your Committee discussed the problem of alcohol abuse in the County and its relationship to crime. Your Committee noted the proposed bill to authorize liquor commissions to provide funding for alcohol abuse treatment and prevention could expand treatment options to residents. Your Committee noted the authorization would require money from fines and license fees to be set aside for this purpose.

Your Committee voted 6-2 to recommend adoption of the proposed resolution to include in the Package a bill for an Act prohibiting smoking in vehicles occupied by minors. Committee Chair Victorino and members Baisa, Carroll, Cochran, Crivello, and White voted "aye." Committee Vice-Chair Couch and member Hokama voted "no." Committee member Guzman was excused.

Your Committee voted 8-0 to recommend adoption of the proposed resolution to include in the Package a bill for an Act allowing people with disabilities to have their disability noted on their identification card. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Hokama, and White voted "aye." Committee member Guzman was excused.

Your Committee voted 8-0 to recommend adoption of the proposed resolution to include in the Package a bill for an Act prohibiting the sale of marine life secured by spear. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Hokama, and White voted "aye." Committee member Guzman was excused.

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Your Committee voted 8-0 to recommend adoption of the proposed resolution to include in the package a bill for an Act authorizing county liquor commissions to provide funding for alcohol abuse treatment and prevention. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Hokama, and White voted "aye." Committee member Guzman was excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2016 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL PROHIBITING SMOKING IN MOTOR VEHICLES OCCUPIED BY MINORS," be ADOPTED;
2. That Resolution _____, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2016 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY," be ADOPTED;
3. That Resolution _____, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2016 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL THAT PROHIBITS THE SALE OF MARINE LIFE SECURED BY A SPEAR," be ADOPTED; and
4. That Resolution _____, attached hereto, entitled "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," be ADOPTED.

COUNCIL OF THE COUNTY OF MAUI
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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

pia:cr:15004(1)aa:kcw

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2016 MAUI
COUNTY LEGISLATIVE PACKAGE A STATE BILL
PROHIBITING SMOKING IN MOTOR VEHICLES
OCCUPIED BY MINORS

WHEREAS, it is important to protect children from exposure to secondhand smoke; and

WHEREAS, current State law does not protect children from exposure to secondhand smoke in motor vehicles; and

WHEREAS, enactment of State legislation prohibiting smoking in motor vehicles occupied by minors would promote public health; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to prohibit smoking in motor vehicles occupied by minors, is approved for inclusion in the 2016 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

___ .B. NO. ___

A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. The purpose of this Act is to protect children
2 from exposure to secondhand smoke and other potentially harmful
3 substances by prohibiting smoking in any motor vehicle occupied
4 by a minor.

5 SECTION 2. Chapter 328J, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§328J- Prohibition in motor vehicles occupied by minors.

9 Smoking shall be prohibited in motor vehicles occupied by minors
10 under eighteen years of age. "Motor vehicle" means the same as
11 defined in section 291C-1."

12 SECTION 3. New statutory material is underscored.

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

14

15 INTRODUCED BY: _____

16 paf:scj:15-189a

EXHIBIT "A"

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2016 MAUI
COUNTY LEGISLATIVE PACKAGE A STATE BILL TO
ALLOW PERSONS WITH DISABILITIES TO INDICATE
ON THEIR IDENTIFICATION CARDS THEIR
DISABILITY

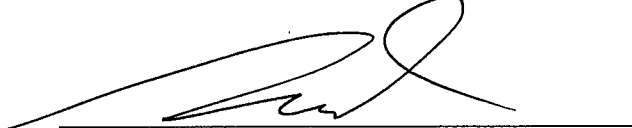
WHEREAS, persons with disabilities have the desire to indicate on their disability on their identification cards, such as the State identification card, driver's license, or identification card for persons with disabilities; and

WHEREAS, enactment of State legislation allowing identification cards to indicate a person's disability would allow the person access to certain eligible public services and help identify the disability to public safety personnel in case of emergency; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A", to allow persons with disabilities to indicate on their identification cards their disability, is approved for inclusion in the 2016 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, appearing to be 'Paf', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

____.B. NO.____

A BILL FOR AN ACT

RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES.

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

1 SECTION 1. This legislature finds that persons with
2 disabilities have the desire to indicate on their identification
3 cards, such as the State of Hawaii identification card, driver's
4 license, or an identification card for persons with
5 disabilities, their disability. An identification card clearly
6 indicating a person's disability would allow the person access
7 to certain eligible public services such as special
8 transportation and seating for persons with disabilities at
9 public events. This would also allow the person with disability
10 to communicate any special needs to police and other public
11 safety personnel in the event of an emergency.

12 Those who choose to include the international handicap
13 symbol and information about their disability on their driver's
14 license, State identification card, and identification card for
15 persons with disabilities may do so under this Act.

EXHIBIT A

1 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
2 amended by adding new definitions to be appropriately inserted
3 and to read as follows:

4 "Disability" means any physical, mental, or neurological
5 impairment that severely restricts a person's mobility, manual
6 dexterity, or ability to climb stairs; substantial loss of sight
7 or hearing; loss of one or more limbs or use thereof; or
8 significantly diminished reasoning capacity.

9 "Person with disabilities" means any person with a
10 permanent or temporary disability.

11 SECTION 3. Chapter 286, Hawaii Revised Statutes, is amended
12 by adding a new section to part VI to be appropriately
13 designated and to read as follows:

14 **"§286- Driver's license for persons with disabilities.**

15 Persons with disabilities may opt to identify their
16 disability on their driver's license upon receipt of the
17 required documentation as stated in this section, from the
18 person requesting its inclusion. The driver's license shall
19 display the international handicap symbol on a location
20 designated by the department."

21 SECTION 4. Section 286-305, Hawaii Revised Statutes, is
22 amended to read as follows:

1 "§286-305 **Contents and characteristics; form.** (a) Each
2 identification card issued by the examiner of drivers shall
3 display a distinguishing number assigned to the cardholder, and
4 shall display the following inscription:

5 "STATE OF HAWAII IDENTIFICATION CARD"

6 (b) The examiner of drivers, after obtaining the
7 fingerprint of the applicant as provided in this part and after
8 obtaining the information required by or pursuant to this part,
9 shall issue to each applicant an identification card in a form
10 and with identifying information that the director deems
11 necessary and appropriate, including a notation of veteran
12 status, if desired by the applicant, on the front of the card
13 where applicable; provided that such notation shall not include
14 any designation other than the term "veteran". As used in this
15 subsection, "veteran" means any person who served in any of the
16 uniformed services of the United States and was discharged under
17 conditions other than dishonorable.

18 (c) The identification card shall not display the
19 cardholder's social security number.

20 (d) The identification card shall be designed to prevent
21 its reproduction or alteration without ready detection.

____.B. NO. _____

1 (e) The identification card for individuals under twenty-
2 one years of age shall have characteristics prescribed by the
3 examiner distinguishing it from that issued to [a] an individual
4 who is twenty-one years of age or older.

5 (f) Persons with disabilities may opt to identify their
6 disability on their identification card upon receipt of the
7 required documentation from the person requesting its inclusion.
8 The identification card shall display the international handicap
9 symbol on a location designated by the department."

10 SECTION 5. Chapter 286, Hawaii Revised Statutes, is amended
11 by adding a new section to part XVI to be appropriately
12 designated and to read as follows:

13 **"§286- Identification card for persons with**
14 **disabilities.** (a) The department shall issue identification
15 cards to persons with disabilities pursuant to section 286-305.

16 (b) The identification card for persons with disabilities
17 shall include characteristics and content pursuant to section
18 286-305 and display the international handicap symbol on a
19 location designated by the department. On the reverse side of
20 the identification card shall be a space within which the
21 department shall enter such disability information the applicant
22 may request.

1 (c) The department may display the international handicap
2 symbol on the front and may print the disability information on
3 the reverse on any driver's license or identification card
4 issued pursuant to the provisions of this chapter upon receipt
5 of the required documentation from the person requesting its
6 inclusion.

7 (d) An identification card for persons with disabilities
8 shall be issued to a person with a temporary disability upon
9 presentation of a sworn affidavit of at least one medical doctor
10 attesting to such disability and estimating the duration of the
11 disability. Such identification cards shall be issued for
12 periods of six months, and a current affidavit of a medical
13 doctor attesting to the continuance of such disability shall be
14 presented at each request thereafter."

15 SECTION 6. New statutory material is underscored.

16 SECTION 7. This Act shall take effect on July 1, 2016.

INTRODUCED BY: _____

paf:mkz:15-190a

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2016
MAUI COUNTY LEGISLATIVE PACKAGE A
STATE BILL THAT PROHIBITS THE SALE OF
MARINE LIFE SECURED BY A SPEAR

WHEREAS, traditional Hawaiian stewardship practices include careful management of ocean and marine life resources; and

WHEREAS, today many Hawaiian communities, especially in the County of Maui, are revitalizing and implementing traditional marine stewardship, such as Ko`ie`ie Fish Pond, in Kihei, Ali`i and Kalokoeli Fish Ponds on Molokai; and

WHEREAS, despite these efforts to help replenish aquatic life; declines in various marine species has resulted from the taking of excess fish and other aquatic life; and

WHEREAS, unfortunately, damage to marine resources is often not well documented or understood until irreversible or severe damage occurs, however impacts can be reversed by proactive stewardship; now, therefore,

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

1. That the proposed State bill attached as Exhibit "A", to prohibit the sale of marine life secured by use of a spear, is approved for inclusion in the 2016 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

1 SECTION 1. Traditional Hawaiian stewardship practices
2 include the careful management of ocean and marine life
3 resources. Today many Hawaiian communities, especially in the
4 County of Maui, are revitalizing and implementing traditional
5 marine stewardship, such as Ko`ie`ie Fish Pond in Kihei, Ali`i
6 and Kalokoeli Fish Ponds on Molokai. Despite these efforts to
7 help replenish aquatic life; declines in various marine species
8 has resulted from the taking of excess fish and other aquatic
9 life. Unfortunately, damage to marine resources is often not
10 well documented or understood until irreversible or severe
11 damage occurs. These impacts can be reversed by proactive
12 stewardship. For the sake of preservation of the environment,
13 economy, social and cultural importance to the people of Hawaii
14 and its future generations, controlling the taking of marine
15 life must be regulated. Spearfishing is an ancient method of
16 fishing that has been used throughout the world for millennia,
17 however spearfishing for commercial purposes does not perpetuate

EXHIBIT "A"

CM:EM:spearfishing_bill101:grs

1 the tradition as implemented within Hawaiian history and
2 culture.

3 Therefore, the purpose of this Act is to prohibit the sale
4 of marine life that has been secured by the use of a spear.

5 SECTION 2. Chapter 188, Hawaii Revised Statutes is amended
6 by adding a new section to be appropriately designated and to
7 read as follows:

8 "§188- Selling of aquatic life secured by spearfishing,
9 prohibited; penalties and fines. (a) It shall be unlawful for
10 any person at any time to knowingly or intentionally sell or
11 offer to sell aquatic life acquired by use of a spear and
12 removed from any of the waters within the jurisdiction of the
13 State.

14 (b) This section shall not apply to a person exercising a
15 customary and traditional right for subsistence, cultural, or
16 religious purposes, subject to the right of the State to
17 regulate that right, including native Hawaiian gathering rights
18 and traditional cultural practices as authorized by law or as
19 permitted by the State pursuant to article XII, section 7, of
20 the Hawaii state constitution.

.B. NO.

1 (c) This section shall not apply to individuals that
2 spearfish for personal use as human consumption or bait and have
3 no intention to sell the aquatic life.

4 (d) Any person violating this section or any rule adopted
5 pursuant to this section shall be guilty of a misdemeanor;
6 provided that the fine for violating this section shall be:

- 7 (1) \$500 for a first offense;
- 8 (2) \$2,000 for a second offense; and
- 9 (3) \$10,000 for a third or subsequent offense.

10 (e) In addition to any other penalty imposed under this
11 section, a person violating this section shall be subject to:

- 12 (1) An administrative fine of not more than \$1,000 for
13 each aquatic life specimen sold;
- 14 (2) Seizure and forfeiture of any taken aquatic life
15 specimens, fishing and commercial marine license, vessel and
16 equipment; and
- 17 (3) Assessment of administrative fees and costs and
18 attorney's fees and costs.

19 "§188- Definitions. As used in this chapter, the following
20 terms shall have the following respective meanings, unless the
21 context requires otherwise:

___ **.B. NO.** ___

1 "Aquatic life" means any type or species of mammal, fish,
2 amphibian, reptile, mollusk, crustacean, arthropod,
3 invertebrate, coral, or other animal that inhabits the ocean and
4 freshwater environments.

5 "Sell" means to transfer, prescribe, give, or deliver to
6 another; to leave, barter, or exchange with another; or to offer
7 or agree to do the same to another for consideration."

8 "Speared" means pierced, impaled, penetrated, struck, or
9 run through by a sharp, pointed implement.

10 "Spearfishing" means fishing by the use of a speargun,
11 polespear or handspear, Hawaiian sling, elastic-powered speargun
12 and sling, pneumatic speargun, or mechanically powered
13 speargun."

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

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

17

18

INTRODUCED BY: _____

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,

Resolution No. _____

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.

paf:kcw:15-176b

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"

____.B. NO. _____

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;

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

.B. NO.

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

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.

____.B. NO. _____

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."

____.B. NO. ____

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.

4

5

INTRODUCED BY: _____

6