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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;

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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;

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

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.

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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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INTRODUCED BY: \_\_\_\_\_

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\_\_\_\_.B. NO.\_\_\_\_

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# 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.

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: \_\_\_\_\_

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# 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

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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.

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:

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.

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18   INTRODUCED BY: \_\_\_\_\_



\_\_\_ .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.

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15 INTRODUCED BY: \_\_\_\_\_

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EXHIBIT "A"