

# Resolution

No. 20-130

APPROVING FOR INCLUSION IN THE 2021 MAUI  
COUNTY COUNCIL 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 Maui County Council Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President of the State Senate, the Speaker of the State House of Representatives, the County's delegation to the State Legislature, the Mayor of the County of Maui, and the Corporation Counsel.

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

---

---

# 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

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

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

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

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;

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

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

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

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

4           SECTION 3. Statutory material to be repealed is bracketed  
5 and in strikethrough. New statutory material is underscored.

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

7

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

9

10           paf:ske:20-178a

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 20-130 was adopted by the Council of the County of Maui, State of Hawaii, on the 11th day of September, 2020, by the following vote:

|           |                          |  |                   |                    |                  |                      |                        |                     |                         |
|-----------|--------------------------|--|-------------------|--------------------|------------------|----------------------|------------------------|---------------------|-------------------------|
| MEMBERS   | Alice L.<br>LEE<br>Chair | Keani N. W.<br>RAWLINS-<br>FERNANDEZ<br>Vice-Chair | G. Riki<br>HOKAMA | Natalie A.<br>KAMA | Kelly T.<br>KING | Michael J.<br>MOLINA | Tamara A. M.<br>PALTIN | Shane M.<br>SINENCI | Yuki Lei K.<br>SUGIMURA |
| ROLL CALL | Aye                      | Aye  | No                | Excused            | Aye              | Aye                  | Aye                    | Aye                 | Aye                     |



COUNTY CLERK