

ACT 109

S.B. NO. 1299

A Bill for an Act Relating to County Liquor Commissions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 281-17, Hawaii Revised Statutes, is amended to read as follows:

“§281-17 Jurisdiction and powers. The liquor commission, within its own county, shall have the sole jurisdiction, power, authority, and discretion, subject only to this chapter:

- (1) To grant, refuse, suspend, and revoke any licenses for the manufacture, importation, and sale of liquors;
- (2) To control, supervise, and regulate the manufacture, importation, and sale of liquors[;] by investigation, enforcement, and education;

- provided that any educational program shall be limited to licensees and their employees and shall be financed through the money collected from the assessment of fines against licensees;
- (3) From time to time to make, amend, and repeal such rules [and regulations], not inconsistent with this chapter, as in the judgment of the commission seem appropriate for carrying out this chapter and for the efficient administration thereof, and the proper conduct of the business of all licensees, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the commission; which rules [and regulations], when [approved by the elected executive head of the county and promulgated and filed] adopted as provided in chapter 91[, as amended,] shall have the force and effect of law;
 - (4) Subject to [the provisions of] chapters 76 and 77, to appoint and remove a secretary (who may also be appointed an inspector), and such inspectors and clerical or other assistants as its business may from time to time require, to prescribe their duties, and fix their compensation; to engage the services of experts and persons engaged in the practice of a profession, if deemed expedient. Every inspector [shall], within the scope of [his] the inspector's duties, shall have the powers of a police officer. No employee of any commission [shall], aside from exercising the right to vote, shall support, advocate, or aid in the election or defeat of any candidate for public office, and upon satisfactory proof of such prohibited activity the offender shall be summarily dismissed;
 - (5) To limit the number of licenses of any class or kind within the county, or the number of licenses of any class or kind to do business in any given locality, when in the judgment of the commission such limitations are in the public interest;
 - (6) To prescribe the nature of the proof to be furnished, the notices to be given, and the conditions to be met or observed in case of the issuance of a duplicate license in place of one alleged to have been lost or destroyed, including a requirement of¹ any indemnity deemed appropriate to the case;
 - (7) To fix the hours between which licensed premises of any class or classes may regularly be open for the transaction of business, which [hours] shall be uniform throughout the county as to each class respectively;
 - (8) To prescribe all forms to be used for the purposes of this chapter not [herein] otherwise provided for in this chapter, and the character and manner of keeping of books, records, and accounts to be kept by licensees in any matter pertaining to their business;
 - (9) To investigate violations of this chapter, through its inspectors or otherwise, and to report such violations to the prosecuting officer for prosecution; to hear and determine complaints against any licensee; to subpoena and examine witnesses under oath and require the production of, and examine any of the books, papers, and records of any licensee which may pertain to [his] the licensee's business under [his] the license or which shall or may pertain to any matter at any hearing or investigation by or before the commission. Each member of the commission may investigate any matter of which the commission may take cognizance, and take testimony in

- the same manner as any court and neither the commission nor any member shall be bound by the strict legal rules of evidence;
- (10) To prescribe, by rule [and regulation], the terms, conditions, and circumstances under which persons or any class of persons may be employed by holders of dispensers' and cabaret licenses;
 - (11) To prescribe, by rule [and regulation], the term of license or solicitor's and representative's permit authorized by this chapter, the annual or prorated amount and the manner of payment of fees for such licenses and permits, and the amount of filing fees.

The commission and each member thereof shall have the same powers respecting the administering of oaths, compelling the attendance of witnesses, the production of documentary evidence, and examining the witnesses as are possessed by a circuit court.

The exercise by the commission of the power, authority, and discretion in it so vested shall be final in each case and shall not be reviewable by or appealable to any court or tribunal, except as otherwise provided in this chapter or chapter 91."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 20, 1985.)

Note

1. Prior to amendment, "of" read "for".