

JAN 23 2009

A BILL FOR AN ACT

RELATING TO LIQUOR LICENSE APPLICATIONS.

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

1 SECTION 1. Section 281-57, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Immediately upon the commission's fixing a day for
4 the public hearing of the application, the applicant shall mail
5 a notice setting forth the time and place of the hearing on the
6 application to ~~[each of the following]:~~

7 (1) ~~[Not less than two-thirds of the owners and lessees]~~
8 Every owner and lessee of record of real estate ~~[and~~
9 ~~owners of record of shares in a cooperative apartment~~
10 ~~or to those individuals on the list of owners as~~
11 ~~provided by the managing agent or governing body of~~
12 ~~the shareholders association]~~ situated within a
13 distance of five hundred feet from the nearest point
14 of the premises for which the license is asked to the
15 nearest point of such real estate ~~[or cooperative~~
16 ~~apartment; provided that in meeting this requirement,~~
17 ~~the applicant shall mail a notice to not less than~~
18 ~~three-fourths of the owners and lessees of record of~~



1 ~~real estate and owners of record of shares in a~~
2 ~~cooperative apartment situated within a distance of~~
3 ~~one hundred feet from the nearest point of the~~
4 ~~premises for which the license is asked]. Notice by~~
5 mail may be addressed to the last known address of the
6 person concerned or to the address as shown in the
7 last tax return filed by the person or the person's
8 agent or representative;

9 (2) Every owner of record of shares in a cooperative
10 apartment, or those individuals on the list of owners
11 as provided by the managing agent or governing body of
12 the shareholders association, situated within a
13 distance of five hundred feet from the nearest point
14 of the premises for which the license is asked to the
15 nearest point of such cooperative apartment. Notice
16 by mail may be addressed to the last known address of
17 the person concerned or to the address as shown in the
18 last tax return filed by the person or the person's
19 agent or representative;

20 ~~[(2)]~~ (3) [In counties with a population of five hundred
21 thousand or more, not less than two-thirds of the
22 registered voters] Every registered voter residing



1 within, and every small [~~businesses~~] business situated
2 within, a distance of five hundred feet from the
3 nearest point of the premises for which the license is
4 asked[; ~~provided that in meeting this requirement, the~~
5 ~~applicant shall mail notices to not less than three-~~
6 ~~fourths of the registered voters residing within, and~~
7 ~~small businesses situated within, a distance of one~~
8 ~~hundred feet from the nearest point of the premises~~
9 ~~for which the license is asked]. This paragraph shall~~
10 not apply to applications for class 2, class 4, class
11 12, and class 15 licenses. A notice sent pursuant to
12 this paragraph shall be addressed to the "occupant" of
13 the residential unit or small business; and

14 [~~+3~~](4) For each condominium project and cooperative
15 apartment within the five hundred-foot area, one
16 notice of the hearing shall be sent by mail addressed
17 "To the Residents, Care of the Manager", followed by
18 the name and address of the condominium or cooperative
19 apartment involved.

20 The notices required under this subsection shall be mailed at
21 least forty-five days prior to the date set for the hearing. No
22 promotional information shall be allowed on, or accompany the



1 notice. Before the hearing, and within seven business days of
2 having mailed the notices, the applicant shall file with the
3 commission an affidavit that the notices have been mailed in
4 compliance with this subsection. In addition to the affidavit
5 (which shall be made available within the same seven-business-
6 day period with proof of having mailed the notices), the
7 applicant shall include [~~both a master list of one hundred per
8 cent of addressees and addresses required by paragraphs (1),
9 (2), and (3), and another mailing list consisting of the portion
10 of addressees and their respective addresses who were mailed the
11 notice purposely needed to meet the requirements of paragraphs
12 (1), (2), and (3).~~] a list of every address to which the notice
13 was mailed as required by paragraphs (1), (2), (3) and (4).
14 [The] Within seven business days of the mailing of the notices
15 by the applicant, the affidavit[, master list,] and mailing list
16 shall be made available [~~within seven business days (of the
17 mailing of the notice by the applicant)] by the commission for
18 public review upon request. [~~For purposes of this section,
19 "master list" means every owner and lessee who would otherwise
20 be required to receive notice of the public hearing according to
21 the requirement of paragraphs (1), (2), and (3), even if they
22 were not actually included in the two-third or three-fourths~~~~



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1 ~~requirement (as the case may be) of paragraph (1) or (2), and~~
 2 ~~every condominium project and cooperative apartment qualifying~~
 3 ~~in paragraph (3). When] If the requirements of this section~~
 4 have not been met, the commission may cancel the public hearing
 5 or continue the [~~public~~] hearing subject to the provisions of
 6 [+]this section[+]."

7 SECTION 2. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Carol Furumasa*

[Signature]

Erzanne Chun Cleveland

Ronald H. Baker

[Signature]



Report Title:

Liquor License; Notification of Neighbors.

Description:

Requires all applicants for a liquor license to notify all businesses and current registered voters within 500 feet of the property on which the liquor is to be served.

