

JAN 22 2016

A BILL FOR AN ACT

RELATING TO THE LIQUOR COMMISSION.

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 subsections (b) and (c) to read as follows:
3 "(b) If no preliminary hearing is had or if the
4 application is not denied upon a preliminary hearing, the
5 commission shall fix a day for the public hearing of the
6 application (other than an application for an alcohol license or
7 a license in classes 8 to 10 and 13) and shall give public
8 notice of the hearing at least once in each of two consecutive
9 weeks, in the county, the date of the hearing to be not less
10 than forty-five days after the first notice[-] (except that in
11 counties with a population of five hundred thousand or more, the
12 date of the hearing shall be not less than thirty days after the
13 first notice). The notice shall require that all protests or
14 objections against the issuance of the license applied for shall
15 be filed with the administrator of the commission at or before
16 the time of hearing. Before giving the notice the commission



1 shall collect from the applicant the cost of giving the public
2 notice or require a deposit to cover the same.

3 (c) Immediately upon the commission's fixing a day for the
4 public hearing of the application, the applicant shall mail a
5 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 of
8 record of real estate and owners of record of shares
9 in a cooperative apartment or to those individuals on
10 the list of owners as provided by the managing agent
11 or governing body of the shareholders association
12 situated within a distance of five hundred feet from
13 the nearest point of the premises for which the
14 license is asked to the nearest point of such real
15 estate or cooperative apartment; provided that in
16 meeting this requirement, the applicant shall mail a
17 notice to not less than three-fourths of the owners
18 and lessees of record of real estate and owners of
19 record of shares in a cooperative apartment situated
20 within a distance of one hundred feet from the nearest
21 point of the premises for which the license is asked.



1 Notice by mail may be addressed to the last known
2 address of the person concerned or to the address as
3 shown in the current real property tax record of the
4 person or the person's agent or representative;

5 (2) In counties with a population of five hundred thousand
6 or more, not less than two-thirds of the registered
7 voters residing within, and small businesses situated
8 within, a distance of five hundred feet from the
9 nearest point of the premises for which the license is
10 asked; provided that in meeting this requirement, the
11 applicant shall mail notices to not less than three-
12 fourths of the registered voters residing within, and
13 small businesses situated within, a distance of one
14 hundred feet from the nearest point of the premises
15 for which the license is asked. This paragraph shall
16 not apply to applications for class 2, class 4, class
17 12, and class 15 licenses. A notice sent pursuant to
18 this paragraph shall be addressed to the "occupant" of
19 the residential unit or small business; and

20 (3) For each condominium project and cooperative apartment
21 within the five hundred-foot area, one notice of the



1 hearing shall be sent by mail addressed "To the
2 Residents, Care of the Manager", followed by the name
3 and address of the condominium or cooperative
4 apartment involved.

5 The notices required under this subsection shall be mailed at
6 least forty-five days prior to the date set for the hearing[-]
7 (except that in counties with a population of five hundred
8 thousand or more, the notices shall be mailed at least thirty
9 days prior to the date set for the hearing). No promotional
10 information shall be allowed on, or accompany the notice.

11 Before the hearing, and within seven business days of having
12 mailed the notices, the applicant shall file with the commission
13 an affidavit that the notices have been mailed in compliance
14 with this subsection. In addition to the affidavit (which shall
15 be made available within the same seven-business-day period with
16 proof of having mailed the notices), the applicant shall include
17 both a master list of one hundred per cent of addressees and
18 addresses required by paragraphs (1), (2), and (3), and another
19 mailing list consisting of the portion of addressees and their
20 respective addresses who were mailed the notice purposely needed
21 to meet the requirements of paragraphs (1), (2), and (3). The



1 affidavit, master list, and mailing list shall be made available
2 within seven business days (of the mailing of the notice by the
3 applicant) by the commission for public review upon request.
4 For purposes of this section, "master list" means every owner
5 and lessee who would otherwise be required to receive notice of
6 the public hearing according to the requirement of paragraphs
7 (1), (2), and (3), even if they were not actually included in
8 the two-third or three-fourths requirement (as the case may be)
9 of paragraph (1) or (2), and every condominium project and
10 cooperative apartment qualifying in paragraph (3). When the
11 requirements of this section have not been met, the commission
12 may cancel the hearing or continue the public hearing subject to
13 the provisions of this section."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



S.B. NO. 2500

Report Title:

Liquor Commission; Liquor License; Public Hearing; Public Notice

Description:

For counties with a population of five hundred thousand or more: requires a public hearing before the liquor commission on an application for a liquor license to be held not less than thirty days after the first public notice for the hearing.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

