
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Section 281-59, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§281-59 Hearing; rehearing.** (a) Upon the day of
4 hearing, or any adjournment thereof, the liquor commission shall
5 consider the application and any protests and objections to the
6 granting thereof, and hear the parties in interest. The liquor
7 commission shall accept all written or oral testimony for or
8 against the application whether the application is denied,
9 refused, or withdrawn. [~~Within~~] Subject to subsection (b),
10 within ninety days after the hearing, or within one hundred
11 twenty days thereafter if in its discretion the commission
12 extends the ninety days to one hundred twenty days, and gives
13 public notice of same, the commission shall give its decision
14 granting or refusing the application; provided that if there is
15 a disqualification under this chapter, the application shall be
16 refused.

17 (b) If a majority of the:



1 (1) Registered voters for the area within five hundred
2 feet of the nearest point of the premises for which
3 the license is asked; or
4 (2) Owners and lessees of record of real estate and owners
5 of record of shares in a cooperative apartment within
6 five hundred feet of the nearest point of the premises
7 for which the license is asked,
8 have duly filed or caused to be filed their protests pursuant to
9 section 281-58 against the granting of the license, [~~or if there~~
10 ~~appears any other disqualification under this chapter,~~] the
11 application shall be refused[-]; provided that this subsection
12 shall not apply to applications for a class 1 license on land
13 designated as agricultural by state or county zoning laws and
14 for which the majority of the agricultural products used in the
15 manufacturing of the liquor are grown and produced in the State
16 by the license holder. Otherwise, the commission may in its
17 discretion grant or refuse the same.

18 For purposes of defining "a majority of the owners and
19 lessees of record of real estate and owners of record of shares
20 in a cooperative apartment", each property counts only once;
21 provided that roadways shall not be included. A protest



1 submitted by the majority of the co-owners or the majority of
2 the co-lessees of a property shall constitute a protest by all
3 the owners or lessees of record of that property. A protest
4 filed by owners or lessees who own more than one property shall
5 be counted for each property.

6 ~~(b)~~ (c) The liquor commission shall make available to
7 the applicant and any protester for review before the public
8 hearing, the protest list of those persons who filed a protest
9 or objection to the application; provided that the applicant
10 shall not use the protest list to attempt to influence in any
11 way any protester to withdraw the protest or objection. All
12 applicants and protesters may submit corrections, additions, and
13 subtractions to the master list and the protest list at the
14 public hearing; provided that additions or corrections to the
15 voter registration list shall be certified by the clerk of the
16 county. The liquor commission shall rule on proposed
17 corrections, additions, and subtractions and give reasons for
18 the ruling.

19 ~~(e)~~ (d) The commission may also, with like discretion:



1 (1) Grant a license to one person in preference to
2 another, without reference to any priority in the
3 order of filing of the applications; and
4 (2) Of its own motion, or on the suggestion of any member,
5 or of the investigator take notice of any matter or
6 thing which in the opinion of a majority of its
7 members would be a sufficient objection to the
8 granting of a license; but in such case if the
9 objection is one to which the applicant should be
10 given a reasonable time to answer, a continuance may
11 be granted in the discretion of the commission;
12 provided that in any case where any person affected by such
13 decision petitions the commission for a rehearing of the
14 application and on oath alleges facts and grounds for
15 consideration which were not formerly presented or considered,
16 or any other matter of fact which in the judgment of the
17 commission seems sufficient to warrant a rehearing, such
18 rehearing may be granted by the commission in its discretion
19 upon the publication of notice of rehearing at least seven days
20 before the date of the rehearing. When a rehearing is allowed
21 notice shall be given to the applicant and to the applicant's



1 opponents, by publication or otherwise as the commission shall
2 direct."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

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H.B. NO. 2552

Report Title:

Intoxicating Liquor; License; Agriculture; Manufacturing

Description:

Exempts applications for a class 1 license on land designated as agricultural by state or county zoning laws and for which the majority of the agricultural products used in the manufacturing of the liquor are grown and produced in the State by the license holder from the automatic refusal provision that may be invoked by a majority of nearby voters or real estate owners.

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