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# 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9 refused, or withdrawn.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.



1        (b) If a majority of the:

2            (1) Registered voters for the area within five hundred  
3            feet of the nearest point of the premises for which  
4            the license is asked; or

5            (2) Owners and lessees of record of real estate and owners  
6            of record of shares in a cooperative apartment within  
7            five hundred feet of the nearest point of the premises  
8            for which the license is asked,

9 have duly filed or caused to be filed their protests pursuant to  
10 section 281-58 against the granting of the license, [~~or if there~~  
11 ~~appears any other disqualification under this chapter,~~] the  
12 application shall be refused[-]; provided that this subsection  
13 shall not apply to applications for a class 1 license on land  
14 designated as agricultural by state or county zoning laws and  
15 for which the majority of the agricultural products used in the  
16 manufacturing of the liquor are grown and produced in the State  
17 by the license holder. Otherwise, the commission may in its  
18 discretion grant or refuse the same.

19            For purposes of defining "a majority of the owners and  
20 lessees of record of real estate and owners of record of shares  
21 in a cooperative apartment", each property counts only once;



1 provided that roadways shall not be included. A protest  
2 submitted by the majority of the co-owners or the majority of  
3 the co-lessees of a property shall constitute a protest by all  
4 the owners or lessees of record of that property. A protest  
5 filed by owners or lessees who own more than one property shall  
6 be counted for each property.

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



1        [~~e~~] (d) The commission may also, with like discretion:

2        (1) Grant a license to one person in preference to

3                another, without reference to any priority in the

4                order of filing of the applications; and

5        (2) Of its own motion, or on the suggestion of any member,

6                or of the investigator take notice of any matter or

7                thing which in the opinion of a majority of its

8                members would be a sufficient objection to the

9                granting of a license; but in such case if the

10               objection is one to which the applicant should be

11               given a reasonable time to answer, a continuance may

12               be granted in the discretion of the commission;

13 provided that in any case where any person affected by such

14 decision petitions the commission for a rehearing of the

15 application and on oath alleges facts and grounds for

16 consideration which were not formerly presented or considered,

17 or any other matter of fact which in the judgment of the

18 commission seems sufficient to warrant a rehearing, such

19 rehearing may be granted by the commission in its discretion

20 upon the publication of notice of rehearing at least seven days

21 before the date of the rehearing. When a rehearing is allowed



1 notice shall be given to the applicant and to the applicant's  
2 opponents, by publication or otherwise as the commission shall  
3 direct."

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

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

9 SECTION 4. This Act shall take effect on July 1, 2050.



**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. Effective 7/1/2050. (HD1)

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

