

JAN 19 2007

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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 by amending subsection (a) to read as follows:  
3           "(a) Upon the day of hearing, or any adjournment thereof,  
4 the liquor commission shall consider the application and any  
5 protests and objections to the granting thereof, and hear the  
6 parties in interest. The liquor commission shall accept all  
7 written or oral testimony for or against the application whether  
8 the application is denied, refused, or withdrawn. Within  
9 fifteen days after the hearing, or within thirty days thereafter  
10 if in its discretion the commission extends the fifteen days to  
11 thirty days, and gives public notice of same, the commission  
12 shall give its decision granting or refusing the application;  
13 provided that if a majority of the:  
14           (1) Registered voters for the area within five hundred  
15           feet of the nearest point of the premises for which  
16           the license is asked; or



1           (2) Owners and lessees of record of real estate and owners  
2           of record of shares in a cooperative apartment within  
3           five hundred feet of the nearest point of the premises  
4           for which the license is asked;  
5 have duly filed or caused to be filed their protests against the  
6 granting of the license, or if there appears any other  
7 disqualification under this chapter, the application shall be  
8 refused. Otherwise, the commission may in its discretion grant  
9 or refuse the same.

10           ~~[For purposes of defining "a majority of the owners and~~  
11 ~~lessees of record of real estate and owners of record of shares~~  
12 ~~in a cooperative apartment", each property counts only once. A~~  
13 ~~protest submitted by the majority of the co-owners or the~~  
14 ~~majority of the co-lessees of a property shall constitute a~~  
15 ~~protest by all the owners or lessees of record of that property.~~  
16 ~~Owners or lessees who own more than one property may count each~~  
17 ~~property.]~~ Each registered voter shall receive one protest  
18 vote, and the owner or lessee of real estate shall receive one  
19 protest vote without regard to the number of properties owned or  
20 leased by that owner or lessee."

21           SECTION 2. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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

2 INTRODUCED BY: *Joe D'Amico* **By Request**



**Report Title:**

Intoxicating Liquor

**Description:**

Clarifies that each registered voter has one vote and each property owner has one vote, for purposes of liquor license denial law.

