

JAN 22 2021

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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[~~7~~] or any adjournment thereof, the liquor commission  
5 shall consider the application and any protests and objections  
6 to the granting thereof[~~7~~] and hear the parties in interest.  
7 The liquor commission shall accept all written or oral testimony  
8 for or against the application whether the application is  
9 denied, refused, or withdrawn. [~~Within~~] Subject to subsection  
10 (b), within ninety days after the hearing[~~7~~] or within one  
11 hundred twenty days thereafter, if in its discretion the  
12 commission extends the ninety days to one hundred twenty days[~~7~~]  
13 and gives public notice of same, the commission shall give its  
14 decision granting or refusing the application; provided that if  
15 there is a disqualification under this chapter, the application  
16 shall be 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 commodities used in  
15 the manufacturing of the liquor are grown and produced in the  
16 State by the license holder. Otherwise, the commission may in  
17 its 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 once for each property.

6 ~~[(b)—The]~~ (c) Before the public hearing, the liquor  
7 commission shall make available to the applicant and any  
8 protester ~~[for review before the public hearing,]~~ the protest  
9 list of those persons who filed a protest or objection to the  
10 application for review; provided that the applicant shall not  
11 use the protest list to attempt to influence ~~[in any way]~~ any  
12 protester to withdraw the protest or objection. All applicants  
13 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.

20 ~~[(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  
5           member~~[7]~~ or of the investigator, take notice of any  
6           matter ~~[or thing which]~~ that in the opinion of a  
7           majority of its members would be a sufficient  
8           objection to the granting of a license; ~~[but in such~~  
9           ~~ease]~~ provided that if the objection is one to which  
10          the applicant should be given a reasonable time to  
11          answer, a continuance may be granted ~~[in]~~ at the  
12          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]~~ that were not formerly presented or  
17          considered, or any other matter of fact in which ~~[in the~~  
18          ~~judgment of]~~ the commission ~~[seems]~~ deems sufficient to warrant  
19          a rehearing, such rehearing may be granted by the commission ~~[in~~  
20          ~~its discretion]~~ upon the publication of notice of rehearing at  
21          least seven days before the date of the rehearing. When a



# S.B. NO. 175

1 rehearing is allowed, notice shall be given to the applicant and  
2 to the applicant's opponents[-] by publication or otherwise as  
3 the commission shall direct.

4 (e) For purposes of this section, "agricultural commodity"  
5 means any fruit, nut, or vegetable that is the food product of  
6 any tree, vine, or plant, or any aquacultural, horticultural,  
7 silvicultural, or floricultural product."

8 SECTION 2. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:                     *Wm D. M.*                    

By Request



# S.B. NO. 175

**Report Title:**

Intoxicating Liquor; License; Agriculture; Manufacturing

**Description:**

Exempts certain applications from the automatic refusal provision that may be invoked by a majority of nearby voters or real estate owners; specifically, 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 commodities used in the manufacturing of the liquor are grown and produced in the State by the license holder.

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

