



# House of Representatives

General Assembly

**File No. 140**

January Session, 2005

Substitute House Bill No. 6753

*House of Representatives, April 4, 2005*

The Committee on Program Review and Investigations reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE RELATIVE TO THE TIMEFRAME FOR FILING A REMONSTRANCE PETITION UNDER THE LIQUOR CONTROL ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 30-39 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (c) Any ten residents of the town within which is intended to be  
5 operated the business for which the permit or renewal thereof has been  
6 applied for, or, in the case of a manufacturer's or a wholesaler's permit,  
7 any ten residents of the state, may file with the department, within  
8 three weeks from the [filing date of the application] last date of  
9 publication of notice made pursuant to subdivision (3) of subsection  
10 (b) of this section for an initial permit, and in the case of renewal of an  
11 existing permit, at least twenty-one days before the renewal date of

12 such permit, a remonstrance containing any objection to the suitability  
 13 of such applicant or proposed place of business. Upon the filing of  
 14 such remonstrance, the department, upon written application, shall  
 15 hold a hearing and shall give such notice as it deems reasonable of the  
 16 time and place at least five days before such hearing is had. The  
 17 remonstrants shall designate one or more agents for service, who shall  
 18 serve as the recipient or recipients of all notices issued by the  
 19 department. The decision of the department on such application shall  
 20 be final with respect to the remonstrance.

21       Sec. 2. (*Effective from passage*) Not later than January 1, 2006, the  
 22 Department of Consumer Protection, in accordance with the  
 23 provisions of section 11-4a of the general statutes, shall submit to the  
 24 joint standing committee of the General Assembly having cognizance  
 25 of matters relating to general law a report summarizing the licensing,  
 26 compliance and enforcement activities of the department's liquor  
 27 control division for the preceding year. Such report shall include, but  
 28 not be limited to, information concerning: (1) The number of liquor  
 29 permit applications received, reviewed, withdrawn, approved and  
 30 denied, (2) the amount of fees collected in conjunction with the  
 31 issuance of such permits, (3) any remonstrance petitions received  
 32 concerning any such application and the outcome of such hearing, (4)  
 33 any complaints received by the department against any permittee and  
 34 the result of any investigation by the department into such complaint,  
 35 including, but not limited to, the result of any administrative action  
 36 taken against such permittee, (5) any informal or formal hearing held  
 37 regarding any permittee including any hearing relating to the  
 38 suspension of a permit, the revocation of a permit and any fine or  
 39 penalty imposed against any permittee. Such report shall be updated  
 40 on January 1, 2007, and January 1, 2008, for the pertinent preceding  
 41 years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	30-39(c)

Sec. 2	<i>from passage</i>	New section
--------	---------------------	-------------

**PRI**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Consumer Protection, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill extends the deadline for residents to file a remonstrance petition to the Department of Consumer Protection (DCP). The bill also requires DCP to submit a report to the General Law Committee on certain activities of the Liquor Control Division during the preceding year. The bill has no fiscal impact.

**OLR Bill Analysis**

sHB 6753

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE RELATIVE TO THE TIMEFRAME FOR FILING A REMONSTRANCE PETITION UNDER THE LIQUOR CONTROL ACT****SUMMARY:**

This bill extends the deadline for residents to state their objections to the Department of Consumer Protection (DCP) and compel a public hearing about the issuance of a proposed liquor permit to DCP from three weeks after an application's "filing date" to three weeks after the applicant's final notice was published in a local newspaper.

It requires the DCP to report on its activities relating to issuing liquor permits and enforcing the Liquor Control Act.

EFFECTIVE DATE: Upon passage

**OBJECTIONS TO A PROPOSED LIQUOR PERMIT**

The law allows a group of 10 or more residents to file a "remonstrance" with the DCP stating any objection they may have about the suitability of an applicant for an initial liquor permit or the proposed place of business. This bill revises the deadline for filing it.

By law, a liquor permit applicant must publish at least two notices of his application in a local newspaper. They must be published in two successive weeks, with the first being published no more than seven days after the application's filing date and the second, no more than 14 days after. An application's "filing date" is the date on which the department approves an application for processing and sends the applicant a "placard" stating, among other things, the filing date. The law requires a liquor permit applicant to post a placard, or sign, outside of the proposed premises stating his name and the type of requested permit. Under current law, the remonstrance must be filed within three weeks after the application's filing date. Under the bill,

the remonstrance must be filed within three weeks after the last day that the permit applicant's notice was published. If a remonstrance is filed, the department must hold a public hearing after giving at least five days notice.

**REPORT ON LIQUOR PERMITTING, COMPLIANCE, AND ENFORCEMENT**

The bill requires the DCP to submit a report to the General Law Committee summarizing the licensing, compliance, and enforcement activities of its liquor control division during the preceding year. The report must include: (1) the number of permit applications received, reviewed, withdrawn, approved, and denied; (2) the amount of permit fees collected; (3) any remonstrance petitions received and the outcome of any remonstrance hearings; (4) complaints received against any permittee, the result of any investigation and any administrative action taken against the permittee; and (5) any informal or formal hearing held relating to permit suspension, revocation, or fine. The report must be submitted by January 1, 2006 and updated by January 1 of 2007 and 2008.

**COMMITTEE ACTION**

Program Review and Investigations Committee

Joint Favorable Substitute  
Yea 10    Nay 0