



General Assembly

January Session, 2005

**Raised Bill No. 6753**

LCO No. 3563

\*03563\_\_\_\_\_PRI\*

Referred to Committee on Program Review and Investigations

Introduced by:  
(PRI)

**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2 repealed and the following is substituted in lieu thereof (*Effective from*  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.

42       Sec. 3. Subsection (a) of section 30-46 of the general statutes is  
43 repealed and the following is substituted in lieu thereof (*Effective from*  
44 *passage*):

45       (a) The Department of Consumer Protection may, [except as to a  
46 store engaged chiefly in the sale of groceries,] in its discretion,

47 suspend, revoke or refuse to grant or renew a permit for the sale of  
 48 alcoholic liquor if it has reasonable cause to believe: (1) That the  
 49 proximity of the permit premises will have a detrimental effect upon  
 50 any church, public or parochial school, convent, charitable institution,  
 51 whether supported by private or public funds, hospital or veterans'  
 52 home or any camp, barracks or flying field of the armed forces; (2) that  
 53 such location is in such proximity to a no-permit town that it is  
 54 apparent that the applicant is seeking to obtain the patronage of such  
 55 town; (3) that the number of permit premises in the locality is such that  
 56 the granting of a permit is detrimental to the public interest, and, in  
 57 reaching a conclusion in this respect, the department may consider the  
 58 character of, the population of, the number of like permits and number  
 59 of all permits existent in, the particular town and the immediate  
 60 neighborhood concerned, the effect which a new permit may have on  
 61 such town or neighborhood or on like permits existent in such town or  
 62 neighborhood; (4) that the place has been conducted as a lewd or  
 63 disorderly establishment; (5) that the backer does not have a right to  
 64 occupy the permit premises; (6) that drive-up sales of alcoholic liquor  
 65 are being made at the permit premises; or (7) that there is any other  
 66 reason as provided by state or federal law or regulation which  
 67 warrants such refusal.

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
Sec. 3	<i>from passage</i>	30-46(a)

**Statement of Purpose:**

To implement the recommendations of the Legislative Program Review and Investigations Committee relative to remonstrance procedures under the Liquor Control Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

