

As Engrossed: 3/5/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Todd**

A BILL ACT 1179 OF 1991
SENATE BILL 588

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §3-4-201 TO
9 FURTHER RESTRICT THE ISSUANCE OF RETAIL LIQUOR PERMITS;
10 AND FOR OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. Arkansas Code Annotated §3-4-201 is amended to read as
15 follows:

16 "3-4-201. Number of permits restricted.

17 (a) It is declared to be the public policy of the state that the number
18 of permits in this state to dispense vinous (except wines), spirituous, or
19 malt liquor shall be restricted.

20 (b) The Alcoholic Beverage Control Board is empowered to determine
21 whether public convenience and advantage will be promoted by issuing the
22 permits and by increasing or decreasing the number thereof; in order to
23 further carry out the policy hereinbefore declared, the number of permits so
24 issued shall be restricted.

25 (c) The Alcoholic Beverage Control Board is further given the
26 discretion to determine the number of permits to be granted in each county of
27 this state or within the corporate limits of any municipality of this state to
28 determine the location thereof and the persons to whom they shall be issued,
29 under the following conditions:

30 (1) (A) The number of permits allowing the off-premises sale of
31 vinous (except wines), spirituous, or malt liquor in any county or political
32 subdivision which permits the sale shall not exceed a ratio of one (1) permit
33 for every four thousand (4,000) population residing in that county or
34 subdivision.

35 (B) Population of the area involved shall be determined by
36 the most recent population figures established in a census by the Bureau of

1 the Census of the United States Department of Commerce or other appropriate
2 governmental subdivision.

3 (2) New permits which may be issued in a county or subdivision
4 thereof following a regular census shall be issued under the following
5 restrictions:

6 (A) Additional permits may be issued on a ratio of one (1)
7 for every additional four thousand (4,000) population within the area;

8 (B) Any qualified applicant may apply for a permit.

9 Qualifications are to be set from time to time by the Alcoholic Beverage
10 Control Board and its determination of the public convenience and advantage.

11 (3) (A) If it is determined that a county or political subdivision
12 thereof is entitled to additional permits when warranted by a census, the
13 board will announce prior to the last date for applications the number of new
14 permits, if any, which may be issued therein.

15 (B) In the event that such regular census population
16 figures decline in a given county or political subdivision thereof, no
17 existing permits shall be cancelled or revoked for that reason, and the quota
18 ratio shall not be applied thereto until the population in the county or
19 political subdivision thereof reaches a number equalling one (1) permit to
20 every four thousand (4,000) population therein, nor shall any new permit issue
21 therein until the population warrants.

22 (C) No transfer of locations from one (1) county to another
23 county shall be allowed.

24 (D) In the event that any holder of a permit for the sale
25 of vinous (except wines), spirituous, or malt liquor surrenders a permit in a
26 county or municipality thereof where the ratio no longer meets the one (1) to
27 four thousand (4,000) requirement, no new applications will be accepted until
28 that ratio is reestablished at an approved census.

29 (4) Nothing in this section and §§3-4-202 and 3-4-208 shall be
30 construed as to divest any permit holder holding the permit on *July 1, 1991*,
31 regardless of the quota ratio, of his permit. In counties or municipalities
32 which have a ratio lower than the quota ratio established herein, the permit
33 holder shall be allowed to continue under subdivision (3) (B) above.

34 (d) The provisions of this section shall apply only to applications for
35 permits to dispense vinous (except wines), spirituous, or malt liquor filed

1 with the board after *July 1, 1991.*"

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3 SECTION 2. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 3. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 4. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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/s/Todd

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APPROVED: 4/10/91

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