

Hall of the House of Representatives

90th General Assembly - Regular Session, 2015

Amendment Form

Subtitle of House Bill No. 1795

TO AMEND THE LAW CONCERNING THE NUMBER OF LIQUOR SALES PERMITS THAT MAY BE
ISSUED REGARDING SMALL FARM WINES, BEER, AND LIGHT WINES.

Amendment No. 1 to House Bill No. 1795

Amend House Bill No. 1795 as originally introduced:

Delete everything after the Enacting Clause, and substitute the following:

"SECTION 1. Arkansas Code § 3-4-201(a), concerning restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(a) The public policy of the state is to restrict the number of permits in this state to dispense vinous liquor, ~~(except small farm wines)~~, spirituous liquor, beer, or malt liquor.

SECTION 2. Arkansas Code § 3-4-201(c)(1)(A), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(1)(A)(i) The number of permits allowing the off-premises sale of vinous (except small farm wines), spirituous, or malt liquor in a county or political subdivision of the county ~~which~~ that permits the sale shall not exceed a ratio of one (1) permit for every five thousand (5,000) population residing in that county or political subdivision of the county.

(ii) The number of permits allowing the off-premises sale of small farm wines or beer and light wine in a county or political subdivision of the county that permits the sale shall not exceed a ratio of one (1) permit for every two thousand five hundred (2,500) population residing in that county or political subdivision of the county.

SECTION 3. Arkansas Code § 3-4-201(c)(2)(A), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(A)(i) Additional permits allowing the off-premises sale of vinous (except small farm wines), spirituous, or malt liquor may be issued on a ratio of one (1) for every additional five thousand (5,000) population within the county or political subdivision of the county

(ii) Additional permits allowing the off-premises sale of small farm wines or beer and light wine may be issued on a ratio of



one (1) for every additional two thousand five hundred (2,500) population within the county or political subdivision of the county;

SECTION 4. Arkansas Code § 3-4-201(c)(3)(B)(ii), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(ii) The quota ratio shall not be applied to the county or political subdivision of the county until the population in the county or political subdivision of the county reaches a number equaling ~~one (1) permit to every five thousand (5,000) population~~ the number in subdivision (c)(2)(A)(i) or (c)(2)(A)(ii) of this section; and

SECTION 5. Arkansas Code § 3-4-201(c)(3)(D), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(D) If a holder of a permit for the sale of vinous liquor, ~~(except small farm wines)~~, spirituous liquor, beer and light wine, or malt liquor surrenders the permit in a county or political subdivision of the county where the ratio no longer meets the one-to-five-thousand-population requirement, new applications ~~will~~ shall not be accepted until that ratio is reestablished at a subsequent federal decennial census;

SECTION 6. Arkansas Code § 3-4-201(c)(5), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(5)(A) This section and §§ 3-4-202 and 3-4-208, except a permit on inactive status for more than eighteen (18) months after ~~the provisions of~~ subdivision (c)(4) of this section ~~become~~ became effective or ~~which that~~ which that has expired ~~in accordance with~~ under subdivision (c)(4) of this section, do not divest any permit holder holding the permit on ~~July 1, 1991~~ August 1, 2015, regardless of the quota ratio, of his or her permit.

(B) In a county or political subdivision of the county ~~which that~~ which that has a ratio lower than the permit quota ratio ~~of one-to-five-thousand-population~~ under this section, the permit holder shall be allowed to continue under subdivision (a)(3)(B) of this section.

SECTION 7. Arkansas Code § 3-4-201(d), concerning the applicability of the section regarding restrictions on the number of alcoholic beverage permits in the state, is repealed.

~~(d) This section shall apply only to applications for permits to dispense vinous (except small farm wines), spirituous, or malt liquor filed with the board after July 1, 1991.~~

SECTION 8. Arkansas Code § 3-5-102 is amended to read as follows:

3-5-102. Additional license to sell native beer and small farm wines not required.

Any A licensed retail liquor dealer ~~who has been duly licensed as such shall have the right may~~ without any additional license fee ~~to sell native wines manufactured from fruits, vegetables, and other products grown in the State of Arkansas~~ beer and small farm wines."

The Amendment was read _____
By: Representative Gossage
MGF/RJW - 03-10-2015 10:57:58
MGF236 _____ Chief Clerk