

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Dowd**

A Bill

ACT 652 OF 1995
SENATE BILL 591

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF TITLE 3 OF THE
9 ARKANSAS CODE TO MAKE TECHNICAL CORRECTIONS INVOLVING THE
10 ADMINISTRATION OF DUTIES AND POWERS OF THE ALCOHOLIC
11 BEVERAGE CONTROL DIVISION; TO INCREASE THE AMOUNT OF TIME
12 AN ABC PERMIT MAY BE OPERATED BY CERTAIN SUCCESSORS IN
13 INTEREST TO A PERMITTEE OF THE ABC DIVISION; AND FOR OTHER
14 PURPOSES."

Subtitle

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17 "AN ACT TO CORRECT AND UPDATE PROVISIONS
18 OF THE ARKANSAS CODE WHICH AFFECT THE
19 OPERATIONS OF THE ABC DIVISION."

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

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23 SECTION 1. Arkansas Code 3-2-213(a)(2) is amended to read as follows:

24 "(2) The notice of appeal of a director_s decision or order shall be in
25 a written form which shall be mailed or delivered to the offices of the
26 Alcoholic Beverage Control Division."

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28 SECTION 2. Arkansas Code 3-2-213(a)(3) is amended to read as follows:

29 "(3) The notice of appeal must be mailed or delivered to the offices of
30 the Alcoholic Beverage Control Division within fifteen (15) days after the
31 order to be appealed from was received by the recipient, as shown by the
32 certified mail return receipt card returned to the Alcoholic Beverage Control
33 Division. In the event the person filing an appeal of the director_s decision
34 or order was not sent a certified letter of the same, then the fifteen (15)
35 day appeal period begins on the date the director_s decision or order was
36 issued."

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SECTION 3. Arkansas Code 3-2-213(a)(4) is amended to read as follows:

"(4) Whenever any notice of appeal is filed with the Alcoholic Beverage Control Division, the Director of the Alcoholic Beverage Control Division shall forthwith notify the Board of that fact."

SECTION 4. Arkansas Code 3-2-213(b)(2) is amended to read as follows:

"(2) Not later than ten (10) days before the time fixed for the hearing, the director shall notify the Board and the applicant, licensee, or protester of the time when and the place where the appeal shall be heard by the Board."

SECTION 5. Arkansas Code 3-2-213(c)(2) is amended to read as follows:

"(2) A copy of the opinion, decision, or order shall be mailed by the Alcoholic Beverage Control Division by certified mail to the applicant, licensee, or protester."

SECTION 6. Arkansas Code 3-2-216 is amended to read as follows:

"§ 3-2-216. Appeal to courts.

(a) An appeal of the decision of the board may be filed in conformance with the provisions of the Arkansas Administrative Procedure Act."

SECTION 7. Arkansas Code 3-4-103(a) is amended to read as follows:

"(a) If a corporation or copartnership holding a permit under this act shall be dissolved, or if a receiver or assignee for the benefit of creditors is appointed therefor, or if a receiver or assignee for the benefit of creditors or a committee of the property of an individual holding a permit is appointed during the time for which the permit was granted, or if a person holding a permit dies during the term for which the permit was given, then the corporation, copartnership, receiver, or assignee, or the administrator or executor of the estate of the individual, or a committee of the property of a person adjudged to be incompetent may continue to carry on the business upon the premises for a period not to exceed twenty-four (24) months from such date of dissolution or appointment or death. Said successors in interest shall be allowed to renew the permit as if the original permittee were still in place

1 and the said successor in interest may operate the said business with the same
2 right and subject to the same restrictions and liabilities as if he had been
3 the original applicant for and the original holder of the permit, provided the
4 approval of the Director of the Alcoholic Beverage Control Division shall be
5 first obtained."

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7 SECTION 8. Arkansas Code 3-4-207 is amended to read as follows:

8 § 3-4-207. Ineligible persons.

9 No person hereafter described in this section shall receive a permit:

10 (1) A person who has been convicted of a felony;

11 (2) A person under the age of twenty-one (21) years;

12 (3) A person who is not a citizen or resident alien of the United
13 States;

14 (4) A copartnership, unless all members of such copartnership are
15 citizens or resident aliens of the United States;

16 (5) A person who shall have had his permit issued under this act
17 revoked for cause, or who has been convicted of a violation of this act until
18 the expiration of two (2) years from the date of such revocation or
19 conviction;

20 (6) A corporation or copartnership, if any of its officers or members
21 have been convicted of a violation of this act or have had a permit issued
22 under this act revoked for cause until two (2) years from the date of the
23 conviction or revocation."

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25 SECTION 9. Arkansas Code 3-4-215 is hereby repealed.

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27 SECTION 10. Arkansas 3-5-304(c)(1) is amended to read as follows:

28 "(c)(1) Upon receipt by the Director of the Alcoholic Beverage Control
29 Division of an application for a permit, written notice thereof, which shall
30 include a copy of the application, shall immediately be mailed by the director
31 to the sheriff, chief of police (if located within a city), and prosecuting
32 attorney of the locality in which the premises are situated , and to the city
33 board of directors or other governing body of the city in which the premises
34 are situated, if within an incorporated area."

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1 SECTION 11. Arkansas Code 3-4-210(c)(1) is amended to read as follows:

2 "(c)(1) Upon receipt by the Director of the Alcoholic Beverage Control
3 Division of an application for a permit, written notice thereof which shall
4 include a copy of the application shall immediately be mailed by the director
5 to the sheriff, chief of police (if located within a city), and prosecuting
6 attorney of the locality in which the premises are situated, and to the city
7 board of directors or other governing body of the city in which the premises
8 are situated, if within an incorporated area."

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10 SECTION 12. All provisions of this act of a general and permanent
11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
12 Code Revision Commission shall incorporate the same in the Code.

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14 SECTION 13. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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

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APPROVED: 3-16-95

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