

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 519 OF 1997
HOUSE BILL 1760

4
5 By: Representative Wood
6 By: Senator Bell

For An Act To Be Entitled

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10 "AN ACT TO AMEND THE ARKANSAS CODE TO PROVIDE THAT AFTER
11 DENIAL OF AN APPLICATION FOR AN ALCOHOLIC BEVERAGE CONTROL
12 PERMIT, NO APPLICATION WILL BE ACCEPTED FROM THAT SAME
13 APPLICANT OR REAL PARTY IN INTEREST UNTIL THE EXPIRATION
14 OF FIVE YEARS; AND FOR OTHER PURPOSES."

Subtitle

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17 "PROVIDE THAT AFTER DENIAL OF AN
18 APPLICATION FOR AN ALCOHOLIC BEVERAGE
19 PERMIT, NO APPLICATION WILL BE ACCEPTED
20 FOR THAT LOCATION FROM THE SAME
21 APPLICANT OR REAL PARTY IN INTEREST
22 UNTIL THE EXPIRATION OF FIVE YEARS."

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

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26 SECTION 1. Subchapter 2, Chapter 4, Title 3 of the Arkansas Code is
27 amended by inserting an additional section at the end thereof to read as
28 follows:

29 "§ 3-4-222. (a) Whenever any application for any type of Alcoholic
30 Beverage Control permit, with the exception of a private club permit being
31 sought in an area in which the sale of alcoholic beverages is not allowed,
32 shall be denied, no application for a permit shall be accepted from that same
33 applicant or real party in interest for a period of five (5) years following
34 the date on which such application is finally acted upon by the director, or
35 by the board on appeal, or by the appellate court system, unless the applicant
36 or real party in interest can show a substantial change in the underlying

1 facts which supported the decision to deny the application. Provided, that
 2 this subchapter shall not apply if the application was denied solely because
 3 of disapproval of the location of the premises and a new application is for a
 4 premises other than those described in the original application. Same
 5 applicant or same real party in interest as used in this subsection, shall
 6 be broadly interpreted by the director or the board to be the real party (or
 7 parties) in interest in the original application, notwithstanding the fact
 8 that the subsequent application may be made in the name of a family member,
 9 business associate, or new business entity.

10 (b) Reapplication for a private club in an area where the retail sale
 11 of alcoholic beverages is not legal will continue to be controlled by Arkansas
 12 Code § 3-9-228."

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

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18 SECTION 3. If any provision of this act or the application thereof to
 19 any person or circumstance is held invalid, such invalidity shall not affect
 20 other provisions or applications of the act which can be given effect without
 21 the invalid provision or application, and to this end the provisions of this
 22 act are declared to be severable.

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

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27 SECTION 5. EMERGENCY. It is hereby found and determined by the General
 28 Assembly that certain areas of the state are bombarded by continual
 29 applications for permits to sell alcoholic beverages after the permit has been
 30 denied; that subsequent applications are by persons or entities that were a
 31 real party in interest in the original application and that it is necessary to
 32 have a cooling-off period between applications in such instances; that it is
 33 necessary for the tranquillity and stability of those neighborhoods to modify
 34 the law to establish more reasonable application procedures; and that this act
 35 will accomplish that purpose and should go into effect as soon as possible.
 36 Therefore, an emergency is declared to exist and this act being immediately

1 necessary for the preservation of the public peace, health and safety shall
2 become effective on the date of its approval by the Governor. If the bill is
3 neither approved nor vetoed by the Governor, it shall become effective on the
4 expiration of the period of time during which the Governor may veto the bill.
5 If the bill is vetoed by the Governor and the veto is overridden, it shall
6 become effective on the date the last house overrides the veto.

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APPROVED:3-13-97