

Act 297 of the 1989 Regular Session.

Act 297

SB138

By: Senator Dowd

"AN ACT TO AMEND ARKANSAS CODE 3-9-222 TO PROVIDE FOR NOTIFICATION TO THE PUBLIC WHEN AN APPLICATION FOR AN ON PREMISES CONSUMPTION PRIVATE CLUB PERMIT IS MADE; TO AMEND ARKANSAS CODE 3-4-210 TO NOTIFY THE PUBLIC WHEN AN APPLICATION FOR A RETAIL LIQUOR PERMIT HAS BEEN MADE; TO AMEND ARKANSAS CODE 3-5-304 TO NOTIFY THE PUBLIC WHEN AN APPLICATION FOR A RETAIL BEER PERMIT HAS BEEN MADE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 3-9-222 is hereby amended to read as follows:

"3-9-222. Private clubs-Procedure for obtaining permit. (a) Application for a permit to operate as a private club may be made to the Director of the Alcoholic Beverage Control Division in accordance with the rules and regulations of the board.

(b) The application shall be accompanied by an annual permit fee of five hundred dollars (\$500).

(c) (1) After filing an acceptable application with the Director, the applicant shall cause to be published at least once a week for two consecutive weeks in a legal newspaper of general circulation in the city in which the premises are situated or, if the premises are not in a city, in a newspaper of general circulation for the locality where the business is to be conducted, a notice that the applicant has applied for a permit to dispense alcoholic beverages on the premises.

(2) The notice shall be in such form as the Director of the Alcoholic Beverage Control Division shall prescribe by rule, regulation, or order, and shall be verified.

(3) The notice shall give the names of the managing agent and the nonprofit corporation and shall state that the manager is a citizen of Arkansas, that he has a good moral character, that he has never been convicted of a felony or had a license to sell or dispense alcoholic beverages revoked within the five (5) years preceeding the date of the notice, and that he has never been convicted of violating laws, of this state or any other state, governing the sale or dispensing of alcoholic beverages.

(d) (1) Within five (5) days after filing an application for a permit to dispense alcoholic beverages on the premises, a notice of the application shall be posted in a conspicuous place at the entrance to the premises.

(2) The applicant shall notify the Director of the Alcoholic Beverage Control Division of the date when the notice is first posted.

(3) No permit shall be issued to any applicant until proper notice has been so posted on the premises for at least thirty (30) consecutive days.

(4) The notice shall be in such form as the Director of the Alcoholic Beverage Control Division shall prescribe by rule, regulation, or order.

(e) (1) Upon receipt by the Director of the Alcoholic Beverage Control Division of an application for a permit written notice thereof, which shall include a copy of the application, shall immediately be mailed by the Director

to the Sheriff, Chief of Police, and Prosecuting Attorney of the locality in which the premises are situated, to the Circuit Judge or Judges of the Judicial District in which the premises are situated if in an unincorporated territory, and to the City board of Directors or other governing body of the city in which the premises are situated if within an incorporated area.

(2) No license shall be issued by the Director until at least thirty (30) days have passed from the mailing by the Director of the notices required by this section.

(3) Upon receipt by the Director of the Alcoholic Beverage Control Division within the thirty (30) days of a protest against the issuance of a permit by a governing official of the city or county to whom the notice of an application for permit has been mailed, the Director shall not issue the license until he has held a public hearing.

(f) Upon the director determining that the applicant is qualified hereunder and the application is in the public interest, a permit may be issued as authorized in this section."

SECTION 2. Arkansas Code 3-4-210 (a)(1) is hereby amended to read as follows:

"(a)(1) After filing an acceptable application with the Director, the applicant shall cause to be published at least once a week for two consecutive weeks in a legal newspaper of general circulation in the city in which the premises are situated or, if the premises are not in a city, in a newspaper of general circulation for the locality where the business is to be conducted, a notice that the applicant has applied for a permit to sell alcoholic beverages at retail."

SECTION 3. Arkansas Code 3-5-304 (a)(1) shall be amended to read as follows:

"(a)(1) After filing an acceptable application with the Director, the applicant shall cause to be published at least once a week for two consecutive weeks in a legal newspaper of general circulation in the city in which the premises are situated or, if the premises are not in a city, in a newspaper of general circulation for the locality where the business is to be conducted, a notice that the applicant has applied for a permit to sell beer at retail."

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

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 2, 1989

---