

Hall of the House of Representatives  
88th General Assembly - Regular Session, 2011  
**Amendment Form**

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**Subtitle of House Bill No. 2206**

TO AMEND THE LAWS REGARDING OFF-PREMISE RETAIL LIQUOR PERMITS.

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**Amendment No. 1 to House Bill No. 2206**

Amend House Bill No. 2206 as originally introduced:

Page 1, delete lines 19 and 20 and substitute:

"SECTION 1. Arkansas Code § 3-4-201(c), regarding the number of permits that may issued, is amended to read as follows:

(c) The board is ~~further given the discretion to~~ may determine the number of permits ~~to be granted~~ in each county of this state or within the corporate limits of ~~any a~~ municipality of this state to determine the location ~~thereof~~ and the persons to whom ~~they~~ the off-premises retail liquor store permit shall be issued, under the following conditions:

(1)(A) The number of permits allowing the off-premises sale of vinous (except wines), spirituous, or malt liquor in any county ~~or political subdivision which that~~ permits the sale shall not exceed a ratio of one (1) permit for every ~~four thousand (4,000)~~ six thousand (6,000) population residing in that county ~~or subdivision~~.

(a) In counties in which only a portion of the county is authorized to sell intoxicating liquors, the entire population of the county shall be used to calculate the number of off-premise retail liquor store permits that may be issued in that county.

(B) Population of the area involved shall be determined by the most recent population figures established in a census by the Bureau of the Census of the United States Department of Commerce or other appropriate governmental subdivision;

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

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

(B) Any qualified applicant may apply for a permit. Qualifications are to be set from time to time by the board and its determination of the public convenience and advantage;

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

(B) ~~In the event that such~~ If regular census population figures decline in a given county, ~~or political subdivision thereof, no~~ existing permits shall not be cancelled or revoked for that reason, and the quota ratio shall not be applied ~~thereto~~ until the population in the county ~~or political subdivision thereof~~ reaches a number ~~equalling~~ equaling one (1) permit to



every ~~four thousand (4,000)~~ six thousand (6,000) population ~~therein~~, nor shall any new permit be issued ~~therein~~ until the population warrants.

(C) ~~No transfer~~ A transfer of locations from one county to another county shall not be allowed.

(D) ~~In the event that any~~ If a holder of a permit for the sale of vinous (except wines), spirituous, or malt liquor surrenders a permit in a county ~~or municipality thereof~~ where the ratio no longer meets the ~~one to four thousand (1:4,000)~~ one to six thousand (1:6,000) requirement, ~~no~~ new applications ~~will~~ shall not be accepted until that ratio is reestablished at an approved census;

(4)(A)(i) ~~In the event~~ If a permit holder does not conduct business under any permit issued for a period of more than thirty (30) days, the permit shall be surrendered to the director and shall be placed on inactive status.

(ii) The permit may remain inactive for six (6) months or until the permit holder notifies the director that he or she is ready to resume business, whichever is longer.

(B) To secure the return of the permit, the permit holder shall file with the director a written statement showing:

- (i) That all taxes and fees owing to the state have been paid;
- (ii) The reason for the suspension of business activities; and
- (iii) The date business activity will resume.

(C)(i) The permit holder may petition the board for an extension of inactive status for an additional six-month period.

(ii) The board may grant an initial extension upon a showing by the permit holder and a finding by the board that business circumstances exist to justify an extension, that the delay to return to business was not due to mere deferral or inattention on the part of the permit holder, and that the inactive status should be extended.

(iii)(a) The permit holder may appeal to the board for a second extension of inactive status for an additional six-month period, but only upon a showing by the permit holder and a finding by the board that emergency circumstances exist to justify a final extension.

(b) "Emergency circumstances" are those delays in return to business which are beyond the control, planning, or foresight of the permit holder, including, but not limited to, delays due to natural disasters, pending court actions, building construction problems, and contested insurance claims.

(D) ~~Any~~ A permit remaining on inactive status for a period of more than eighteen (18) months or which has not been granted an extension under the provisions of this subdivision shall expire; and

(5)(A) Nothing in 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 effective or which has expired in accordance with subdivision (c)(4) of this section, shall be construed as to divest any permit holder holding the permit on July 1, 1991, regardless of the quota ratio, of his permit.

(B) In counties or municipalities which have a ratio lower than the quota ratio established ~~herein~~ in this section, the permit holder shall be allowed to continue under subdivision (3)(B) of this subsection."

The Amendment was read \_\_\_\_\_

**By: Representative T. Thompson**  
**MAG/JPS - 03/08/11 10:16**  
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**Chief Clerk**