

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1368

5 By: Representative Vines
6 By: Senator Burnett
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS CONCERNING THE PARTIES
10 QUALIFIED TO HOLD A PERMIT ISSUED TO A PUBLICLY
11 TRADED CORPORATION OR TO A CORPORATION THAT HOLDS
12 MULTIPLE PERMITS ISSUED BY THE ALCOHOLIC BEVERAGE
13 CONTROL DIVISION; TO REQUIRE ONLY SHAREHOLDERS WHO
14 ARE EXECUTIVE OFFICERS OR DIRECTORS OF A COMPANY BE
15 IDENTIFIED ON AN ALCOHOLIC BEVERAGE CONTROL DIVISION
16 PERMIT APPLICATION; AND FOR OTHER PURPOSES.
17

Subtitle

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19
20 TO AMEND THE LAWS CONCERNING THE PARTIES
21 QUALIFIED TO HOLD A PERMIT ISSUED TO A
22 PUBLICLY TRADED CORPORATION OR TO A
23 CORPORATION THAT HOLDS MULTIPLE PERMITS;
24 TO REQUIRE THAT AN EXECUTIVE OFFICER OR
25 DIRECTOR BE IDENTIFIED.
26

27
28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 3-2-205(b)(5), concerning the records kept
31 by the Alcoholic Beverage Control Division, is amended to read as follows:

32 (5) (A) To keep records in proper form, to be prescribed by the
33 Director of the Alcoholic Beverage Control Division and the Director of the
34 Department of Finance and Administration, of all permits issued and all
35 permits revoked under the provisions of this act and to keep records in such
36 form so as to provide ready information as to the identity of all ~~permits~~



1 permit holders, including the names of stockholders who are not exempted
 2 under subdivision (b)(5)(B) of this section, and directors of corporations
 3 holding permits, and also the location of all permitted premises; and,

4 (B) The Alcoholic Beverage Control Division is not
 5 required to keep a record of the names of shareholders who are not the
 6 president or a director when the corporation:

7 (i) Is publicly traded on a nationally recognized
 8 stock exchange; or

9 (ii) Holds at least ten (10) permits issued by the
 10 Alcoholic Beverage Control Division for the sale of alcoholic beverages; and
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12 SECTION 2. Arkansas Code § 3-4-209(2), concerning the information
 13 provided by an applicant for an alcoholic beverage permit, is amended to read
 14 as follows:

15 (2) The name and residence of each person interested, or to
 16 become interested, in the business of any permittee for which the application
 17 is made, together with the nature of the interests. If the applicant is a
 18 corporation, the application shall set forth the name of the corporation, the
 19 names of its directors or other governing body, the names of its ~~officers~~
 20 president, and the state under the laws of which it is organized;
 21

22 SECTION 3. Arkansas Code § 3-5-302(6)(A), concerning the information
 23 provided by an applicant for a permit to sell beer at retail, is amended to
 24 read as follows:

25 (6)(A)(i) If the applicant is a corporation, ~~all officers~~ the
 26 president and directors, any stockholder owning more than five percent (5%)
 27 of the stock of the corporation who are not exempted under subdivision
 28 (6)(A)(ii) of this section, and the person or persons who shall conduct and
 29 manage the licensed premises for the corporation shall possess all the
 30 qualifications required herein for an individual license.

31 (ii) An applicant is not required to state the
 32 identity of its shareholders who are not the president or a director when the
 33 corporation:

34 (a) Is publicly traded on a nationally
 35 recognized stock exchange; or

36 (b) Holds at least ten (10) permits issued by

1 the Alcoholic Beverage Control Division for the sale of alcoholic beverages.

2
 3 SECTION 4. Arkansas Code § 3-9-305(a)(6)(A), concerning the license
 4 requirements for the sale of wine in a restaurant or cafe, is amended to read
 5 as follows:

6 (6)(A)(i) If the applicant is a corporation, ~~all officers~~ the
 7 president and directors thereof, any stockholder owning more than five
 8 percent (5%) of the stock of such corporation who is not exempted under
 9 subdivision (6)(A)(ii) of this section, and the person or persons who shall
 10 conduct and manage the licensed premises for the corporation shall possess
 11 all the qualifications required herein for an individual license.

12 (ii) An applicant is not required to state the
 13 identity of its shareholders who are not the president or the director when
 14 the corporation:

15 (a) Is publicly traded on a nationally
 16 recognized stock exchange; or

17 (b) Holds at least ten (10) permits issued by
 18 the Alcoholic Beverage Control Division for the sale of alcoholic beverages.

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 20 SECTION 5. Arkansas Code § 3-9-603(a)(7)(A), concerning the
 21 information provided by an applicant for a permit to sell wine at retail, is
 22 amended to read as follows:

23 (7)(A)(i) If the applicant is a corporation, ~~all officers~~ the
 24 president and directors thereof, any stockholder owning more than five
 25 percent (5%) of the stock of such corporation who is not exempted under
 26 subdivision (a)(7)(A)(ii) of this section, and the person or persons who
 27 shall conduct and manage the licensed premises for the corporation shall
 28 possess all the qualifications required herein for an individual license.

29 (ii) An applicant is not required to state the
 30 identity of its shareholders who are not the president or the director when a
 31 corporation:

32 (a) Is publicly traded on a nationally
 33 recognized stock exchange; or

34 (b) Holds at least ten (10) permits issued by
 35 the Alcoholic Beverage Control Division for the sale of alcoholic beverages.