

State of Arkansas

77th General Assembly

Regular Session, 1989

H.R.

1046

By: Representatives Allen, Mullenix and Parkerson

HOUSE RESOLUTION

STATING THE INTENT OF THE LAW AUTHORIZING THE SUNDAY SALES OF  
ALCOHOLIC BEVERAGES AS THE ENHANCEMENT OF TOURISM AND  
CONVENTION BUSINESS.

WHEREAS, the intent of Arkansas Code 3-9-215 which authorized Sunday sales of alcoholic beverages was to enhance the tourism and convention business in Arkansas; and

WHEREAS, in those cities and counties which have enacted Sunday sales of alcoholic beverages, the ordinances have been "sold" to the voting public based on the enhancement of the tourism and convention business; and

WHEREAS, it was never the intent of the authors of the law which authorized Sunday sales of alcoholic beverages, nor was it the intent of the House of Representatives of the Arkansas General Assembly to allow establishments such as taverns to sell alcoholic beverages on Sunday for on-premises consumption whose sales of food, food items and non-alcoholic beverages constitute less than sixty percent (60%) of their gross sales; and

WHEREAS, House Bill 1623 which reiterated the position of the House of Representatives with reference to those items constituting food, food items and non-alcoholic beverages by defining "alcoholic beverages" to mean all intoxicating liquors of any sort, passed by an 81-0 vote; and

WHEREAS, the Alcoholic Beverage Control Board has taken the position that beer and native wine constitute "food" for purposes of determining gross sales which qualifies establishments such as taverns for Sunday sales when the intent of the law was to apply to hotels and restaurants only.

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT the clear intent of Arkansas Code 3-9-215 was to authorize by a vote of a majority of the qualified electors the Sunday sale of alcoholic beverages in hotels and restaurants in cities and counties where on-premises consumption was already approved to enhance tourism and convention business, and for the purposes of determining the qualifications for issuing a permit for the Sunday sale of alcoholic beverages for on-premises consumption, "alcoholic beverages" should mean all intoxicating liquors of any sort, and to exclude beer and native wine from the definition in order to qualify establishments such as taverns for Sunday sales contradicts the clear intent and purpose behind the law and betrays the trust and confidence of the voters.