

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

HOUSE BILL 2120

4  
5 By: Representative Beatty

## For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF TITLE 3 OF THE  
9 ARKANSAS CODE TO MAKE TECHNICAL CORRECTIONS INVOLVING THE  
10 ADMINISTRATION OF DUTIES AND POWERS OF THE ALCOHOLIC  
11 BEVERAGE CONTROL DIVISION; TO PROVIDE FOR A BALLOT TITLE  
12 FOR LOCAL OPTION ELECTIONS TO AUTHORIZE THE SALE OF  
13 ALCOHOLIC BEVERAGES ON A SUNDAY IN QUALIFIED RESTAURANTS  
14 AND HOTELS; TO MAKE TECHNICAL CORRECTIONS IN THE PETITION  
15 PROCESS TO CALL AN ELECTION TO AUTHORIZE THE SALE OF  
16 ALCOHOLIC BEVERAGES IN QUALIFIED RESTAURANTS AND HOTELS;  
17 AND FOR OTHER PURPOSES."

## Subtitle

19 "AMEND VARIOUS SECTIONS OF TITLE 3 OF  
20 THE ARKANSAS CODE TO MAKE TECHNICAL  
21 CORRECTIONS INVOLVING THE ADMINISTRATION  
22 OF DUTIES AND POWERS OF THE ALCOHOLIC  
23 BEVERAGE CONTROL DIVISION."  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27  
28 SECTION 1. Arkansas Code 3-4-216 (c) and (d) are amended to read as  
29 follows:

30 "(c) Alcoholic Beverage Control permits may be renewed late, by paying  
31 the stated penalty, between July 1 and ~~March 1~~ October 29 of each fiscal year.

32 (d) No permit shall be renewed by the Alcoholic Beverage Control  
33 Division for the current fiscal year after ~~March 1~~ October 29."

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35 SECTION 2. Arkansas Code 3-5-407(1) is amended to read as follows:

36 "(1) For the privilege of manufacturing native wine in quantities

1 not to exceed five thousand (5,000) gallons, a license fee of one  
 2 dollar (\$1.00) per thousand gallons shall be paid by the manufacturer+.  
 3 However, any person in this state shall have the right to manufacture, free  
 4 from this license fee, from grapes, berries, or other fruits or vegetables  
 5 grown in the State of Arkansas, native wine or light wine for consumption in  
 6 their home by themselves and guests, but not for sale, in quantities not to  
 7 exceed two hundred (200) gallons. Provided, nothing herein shall be deemed to  
 8 authorize the manufacture of wine or light wine in any area which has voted  
 9 against the manufacture or sale of intoxicating liquors;"

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11 SECTION 3. Arkansas Code 3-9-222(e)(1) is amended to read as follows:

12 "(e)(1) Upon receipt by the Director of the Alcoholic Beverage  
 13 Control Division of an application for a permit, written notice  
 14 thereof, which shall include a copy of the application, shall  
 15 immediately be mailed by the director to the sheriff, chief of police, if  
 16 located within a city, and prosecuting attorney of the locality in which the  
 17 premises are situated, ~~to the circuit judge or judges of the judicial district~~  
 18 ~~in which the premises are situated if in an unincorporated territory,~~ and  
 19 to the city board of directors or other governing body of the city in  
 20 which the premises are situated if within an incorporated area. It is  
 21 provided that the provisions of this section shall be retroactive to the  
 22 effective date of Act 652 of 1995."

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24 SECTION 4. Arkansas Code 3-9-215(b) is amended by adding a new  
 25 paragraph to read as follows:

26 "(4) On the ballot for the election shall be printed substantially the  
 27 following:

28 [ ] FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON  
 29 A SUNDAY IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY),  
 30 ARKANSAS, AS AUTHORIZED BY LAW.

31 [ ] AGAINST THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES  
 32 CONSUMPTION ON A SUNDAY IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY  
 33 OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW."

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35 SECTION 5. Arkansas Code 3-9-206(a) is amended to read as follows:

36 "(a) A referendum election hereunder shall be conducted in accordance

1 with the following:

2 (1) A referendum election may be called in a city by resolution  
 3 adopted by a majority vote of the governing body of the city or by  
 4 petition filed with the city clerk signed by qualified electors of the  
 5 city numbering not less than fifteen percent (15%) of the votes cast  
 6 in the city for the Office of Governor in the last ~~preceding~~ general  
 7 election in which the office appeared on the ballot;

8 (2) A referendum election may be called in a county by resolution  
 9 adopted by a majority vote of the quorum court at any annual or  
 10 special session thereof, or by petition filed with the county clerk  
 11 signed by qualified electors of the county numbering not less than  
 12 fifteen percent (15%) of the votes cast in the county for the Office  
 13 of Governor in the last ~~preceding~~ general election in which the office  
 14 appeared on the ballot."

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16 SECTION 6. All provisions of this act of a general and permanent nature  
 17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 7. If any provision of this act or the application thereof to  
 21 any person or circumstance is held invalid, such invalidity shall not affect  
 22 other provisions or applications of the act which can be given effect without  
 23 the invalid provision or application, and to this end the provisions of this  
 24 act are declared to be severable.

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26 SECTION 8. All laws and parts of laws in conflict with this act are  
 27 hereby repealed.

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