

State of Arkansas

82nd General Assembly

Regular Session, 1999

A Bill

HOUSE BILL 2244

By: Representatives Biggs, Madison

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 3-4-201 TO FURTHER
RESTRICT THE ISSUANCE OF RETAIL LIQUOR PERMITS; AND
FOR OTHER PURPOSES. "

Subtitle

"TO AMEND ARKANSAS CODE 3-4-201 TO
FURTHER RESTRICT THE ISSUANCE OF RETAIL
LIQUOR PERMITS. "

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

SECTION 1. Arkansas Code 3-4-201(c) and (d) are amended to read as
follows:

(c) The Alcoholic Beverage Control Board is further given the
discretion to determine the number of permits to be granted in each county of
this state or within the corporate limits of any municipality of this state to
determine the location thereof and the persons to whom they 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 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.

(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 Alcoholic Beverage Control 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 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 regular census population figures decline in a given county or political subdivision thereof, no existing permits shall 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 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 of locations from one county to another county shall be allowed.

(D) In the event that any 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 (1) to ~~four thousand (4,000)~~ six thousand (6,000) requirement, no new applications will be accepted until that ratio is reestablished at an approved census.

(4)(A)(i) In the event 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 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

1 been paid;

2 (ii) The reason for the suspension of business
3 activities; and

4 (iii) The date business activity will resume.

5 (C)(i) The permit holder may petition the Alcoholic
6 Beverage Control Board for an extension of inactive status for an additional
7 six-month period.

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

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

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

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

26 (5) Nothing in this section and §§ 3-4-202 and 3-4-208, except a
27 permit on inactive status for more than eighteen (18) months after the
28 provisions of subdivision (c)(4) of this section become effective or which has
29 expired in accordance with subdivision (c)(4) of this section, shall be
30 construed as to divest any permit holder holding the permit on July 1,
31 ~~1991~~1999, regardless of the quota ratio, of his permit. In counties or
32 municipalities which have a ratio lower than the quota ratio established
33 herein, the permit holder shall be allowed to continue under subdivision
34 (3)(B) of this subsection.

35 (d) The provisions of this section shall apply only to applications for
36 permits to dispense vinous (except wines), spirituous, or malt liquor filed

1 with the board after July 1, ~~1991~~1999."

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3 SECTION 2. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 3. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

12
13 SECTION 4. All laws and parts of laws in conflict with this act are
14 hereby repealed.