

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

HOUSE BILL 1507

5 By: Representatives Judy, Agee, Salmon, Biggs
6 By: Senator D. Malone
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 3-4-201 TO FURTHER
11 RESTRICT THE ISSUANCE OF RETAIL LIQUOR PERMITS; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND ARKANSAS CODE 3-4-201 TO
15 FURTHER RESTRICT THE ISSUANCE OF RETAIL
16 LIQUOR PERMITS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 3-4-201(c) and (d), concerning liquor permits,
23 are amended to read as follows:

24 (c) The Alcoholic Beverage Control Board is further given the
25 discretion to determine the number of permits to be granted in each county of
26 this state or within the corporate limits of any municipality of this state to
27 determine the location thereof and the persons to whom they shall be issued,
28 under the following conditions:

29 (1)(A) The number of permits allowing the off-premises sale of
30 vinous (except wines), spirituous, or malt liquor in any county or political
31 subdivision which permits the sale shall not exceed a ratio of one (1) permit
32 for every ~~four thousand (4,000)~~ six thousand (6000) population residing in
33 that county or subdivision.

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

1 governmental subdivision.

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

5 (A) Additional permits may be issued on a ratio of one (1)
6 for every additional ~~four thousand (4,000)~~ six thousand (6000) population
7 within the area;

8 (B) Any qualified applicant may apply for a permit.
9 Qualifications are to be set from time to time by the Alcoholic Beverage
10 Control Board and its determination of the public convenience and advantage.

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

15 (B) In the event that such regular census population
16 figures decline in a given county or political subdivision thereof, no
17 existing permits shall be cancelled or revoked for that reason, and the quota
18 ratio shall not be applied thereto until the population in the county or
19 political subdivision thereof reaches a number equaling one (1) permit to
20 every ~~four thousand (4,000)~~ six thousand (6000) population therein, nor shall
21 any new permit be issued therein until the population warrants.

22 (C) No transfer of locations from one county to another
23 county shall be allowed.

24 (D) In the event that any holder of a permit for the sale
25 of vinous (except wines), spirituous, or malt liquor surrenders a permit in a
26 county or municipality thereof where the ratio no longer meets the one (1) to
27 ~~four thousand (4,000)~~ six thousand (6000) requirement, no new applications
28 will be accepted until that ratio is reestablished at an approved census.

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

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

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

1 (i) That all taxes and fees owing to the state have
2 been paid;

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

5 (iii) The date business activity will resume.

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

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

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

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

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

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

36 (d) The provisions of this section shall apply only to applications for

1 permits to dispense vinous (except wines), spirituous, or malt liquor filed
2 with the board after July 1, 1991 the effective date of this section.

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4 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
5 Assembly of the State of Arkansas that because the results of the recent
6 federal census are presently unknown and it is not known when the official
7 results of the census will be released, it is necessary for this act to be
8 effective immediately to prevent the issuance of new liquor permits based on
9 inaccurate population figures. Therefore, an emergency is declared to exist
10 and this act being immediately necessary for the preservation of the public
11 peace, health and safety shall become effective on the date of its approval by
12 the Governor. If the bill is neither approved nor vetoed by the Governor, it
13 shall become effective on the expiration of the period of time during which
14 the Governor may veto the bill. If the bill is vetoed by the Governor and the
15 veto is overridden, it shall become effective on the date the last house
16 overrides the veto.

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