

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1500

4
5 By: Representative W. Lewellen
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For An Act To Be Entitled

8
9 AN ACT CONCERNING PUBLIC NOTICE OF THE ISSUANCE
10 OF ALCOHOL PERMITS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT CONCERNING PUBLIC NOTICE OF THE
14 ISSUANCE OF ALCOHOL PERMITS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 3-4-210 is amended to read as follows:
20 3-4-210. Applications - Notice requirements.

21 (a)(1) After filing an acceptable application with the ~~director~~
22 Director of the Alcoholic Beverage Control Division, the applicant shall
23 cause to be published at least once a week for ~~two (2)~~ four (4) consecutive
24 weeks in a legal newspaper of general circulation in the city in which the
25 premises are situated or, if the premises are not in a city, in a newspaper
26 of general circulation for the locality where the business is to be
27 conducted, a notice that the applicant has applied for a permit to sell
28 alcoholic beverages at retail.

29 (2) The notice shall be in such form as the Director of the
30 Alcoholic Beverage Control Division shall prescribe by rule, ~~regulation~~, or
31 order and shall be verified.

32 (3) The notice shall give the names of the applicant and the
33 business and shall state that the applicant is a resident of Arkansas, a
34 citizen or resident alien of the United States, that he or she has a good
35 moral character, that he or she has never been convicted of a felony or had a
36 license to sell alcoholic beverages revoked within the five (5) years



1 preceding the date of notice, whether issued by this state or any other
 2 state, and that he or she has not been convicted of violating laws, of this
 3 state or any other state, governing the sale of alcoholic beverages within
 4 five (5) years preceding the date of the notice.

5 (b)(1) Within five (5) days after filing an application for a permit
 6 to sell alcoholic beverages at retail at any premises, a notice of the
 7 application shall be posted in a conspicuous place at the entrance to the
 8 premises.

9 (2) The applicant shall notify the Director of the Alcoholic
 10 Beverage Control Division of the date when notice is first posted.

11 (3) No permit shall be issued to any applicant until proper
 12 notice has been posted on the premises for at least thirty (30) consecutive
 13 days.

14 (4)(A) The notice shall be in such form as the Director of the
 15 Alcoholic Beverage Control Division shall prescribe by rule, ~~regulation~~, or
 16 order.

17 (B) The notice shall be:

18 (i) At least eleven inches (11") in width and
 19 seventeen inches (17") in height; and

20 (ii) Printed on a yellow background.

21 (c) Within five (5) days after filing an application for a permit to
 22 dispense alcoholic beverages on the premises, the applicant shall mail to
 23 each owner of property located within one thousand feet (1,000') of the
 24 premises by certified mail, return receipt requested, a copy of the notice
 25 required by subsection (a) of this section.

26 ~~(e)~~(d)(1) Upon receipt by the Director of the Alcoholic Beverage
 27 Control Division of an application for a permit, written notice thereof,
 28 which shall include a copy of the application, the application shall
 29 immediately be mailed by the director to the sheriff, chief of police, if
 30 located within a city, and prosecuting attorney of the locality in which the
 31 premises are situated, and to the city board of directors or other governing
 32 body of the city in which the premises are situated, if within an
 33 incorporated area.

34 (2) No license shall be issued by the director until at least
 35 thirty (30) days have passed from the mailing by the director of the notices
 36 required by this section.

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SECTION 2. Arkansas Code § 3-4-211 is amended to read as follows:

3-4-211. Applications - Protests.

Upon receipt by the Director of the Alcoholic Beverage Control Division within thirty (30) days of a protest against issuance of a permit by a governing official or property owner of the city or county to whom the notice of an application for permit has been mailed, the director shall not issue the license until he or she has held a public hearing.

SECTION 3. Arkansas Code § 3-9-222 is amended to read as follows:

3-9-222. Private clubs - Procedure for obtaining permit.

(a) Application for a permit to operate as a private club may be made to the Director of the Alcoholic Beverage Control Division in accordance with the rules ~~and regulations~~ of the Alcoholic Beverage Control Board.

(b)(1) The application for a private club shall be accompanied by an annual permit fee of five hundred dollars (\$500).

(2) The application for a bed and breakfast private club shall be accompanied by an annual permit fee of seventy-five dollars (\$75.00).

(c)(1) After filing an acceptable application with the director, the applicant shall cause to be published at least once a week for ~~two (2)~~ four (4) consecutive weeks in a legal newspaper of general circulation in the city in which the premises are situated or, if the premises are not in a city, in a newspaper of general circulation for the locality where the business is to be conducted, a notice that the applicant has applied for a permit to dispense alcoholic beverages on the premises.

(2) The notice shall be in such form as the director shall prescribe by rule, ~~regulation,~~ or order and shall be verified.

(3) The notice shall give the names of the managing agent and the nonprofit corporation or, in the case of a bed and breakfast private club, the name of the business owner, and shall state:

(A) That the manager, or in the case of a bed and breakfast private club, the owner, at least one (1) partner, or the majority stockholder is a citizen of Arkansas;

(B) That he or she has a good moral character;

(C) That he or she has never been convicted of a felony or had a license to sell or dispense alcoholic beverages revoked within the five

1 (5) years preceding the date of the notice; and

2 (D) That he or she has never been convicted of violating
 3 the laws of this state or of any other state governing the sale or dispensing
 4 of alcoholic beverages.

5 (d)(1) Within five (5) days after filing an application for a permit
 6 to dispense alcoholic beverages on the premises, a notice of the application
 7 shall be posted in a conspicuous place at the entrance to the premises.

8 (2) The applicant shall notify the Director of the Alcoholic
 9 Beverage Control Division of the date when the notice is first posted.

10 (3) No permit shall be issued to any applicant until proper
 11 notice has been so posted on the premises for at least thirty (30)
 12 consecutive days.

13 (4)(A) The notice shall be in such form as the Director of the
 14 Alcoholic Beverage Control Division shall prescribe by rule, ~~regulation~~, or
 15 order.

16 (B) The notice shall be:

17 (i) At least eleven inches (11") in width and
 18 seventeen inches (17") in height; and

19 (ii) Printed on a yellow background.

20 (e) Within five (5) days after filing an application for a permit to
 21 dispense alcoholic beverages on the premises, the applicant shall mail to
 22 each owner of property located within one thousand feet (1,000') of the
 23 premises by certified mail, return receipt requested, a copy of the notice
 24 required by subsection (c) of this section.

25 ~~(e)~~(f)(1) Upon receipt by the Director of the Alcoholic Beverage
 26 Control Division of an application for a permit, written notice thereof,
 27 which shall include a copy of the application, the application shall
 28 immediately be mailed by the director to the sheriff, chief of police, if
 29 located within a city, prosecuting attorney of the locality in which the
 30 premises are situated, and city board of directors or other governing body of
 31 the city in which the premises are situated if within an incorporated area.
 32 The provisions of this section shall be retroactive to July 28, 1995.

33 (2) No license shall be issued by the director until at least
 34 thirty (30) days have passed from the mailing by the director of the notices
 35 required by this section.

36 (3) Upon receipt by the Director of the Alcoholic Beverage

1 Control Division within the thirty (30) days of a protest against the
2 issuance of a permit by a governing official or property owner of the city or
3 county to whom the notice of an application for permit has been mailed, the
4 director shall not issue the license until he or she has held a public
5 hearing.

6 ~~(f)~~(g) Upon the director's determining that the applicant is qualified
7 hereunder and that the application is in the public interest, a permit may be
8 issued as authorized in this section.

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