

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
4

As Engrossed: H3/1/07
A Bill

HOUSE BILL 1500

5 By: Representative W. Lewellen
6
7

8 **For An Act To Be Entitled**

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

12 **Subtitle**

13 AN ACT CONCERNING PUBLIC NOTICE OF THE
14 ISSUANCE OF ALCOHOL PERMITS.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

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

31
32 SECTION 2. Arkansas Code § 3-4-211 is amended to read as follows:

33 3-4-211. Applications - Protests.

34 Upon receipt by the Director of the Alcoholic Beverage Control Division
35 within thirty (30) days of a protest against issuance of a permit by a
36 governing official or property owner of the city or county to whom the notice

1 of an application for permit has been mailed, the director shall not issue
2 the license until he or she has held a public hearing.

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

5 3-9-222. Private clubs - Procedure for obtaining permit.

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

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

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

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

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

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

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

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

29 (C) That he or she has never been convicted of a felony or
30 had a license to sell or dispense alcoholic beverages revoked within the five
31 (5) years preceding the date of the notice; and

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

35 (d)(1) Within five (5) days after filing an application for a permit
36 to dispense alcoholic beverages on the premises, a notice of the application

1 shall be posted in a conspicuous place at the entrance to the premises.

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

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

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

10 (B) The notice shall be:

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

13 (ii) Printed on a yellow background.

14 (e)(1) Upon receipt by the Director of the Alcoholic Beverage Control
15 Division of an application for a permit, written notice thereof, which shall
16 include a copy of the application, the application shall immediately be
17 mailed by the director to the sheriff, chief of police, if located within a
18 city, prosecuting attorney of the locality in which the premises are
19 situated, and city board of directors or other governing body of the city in
20 which the premises are situated if within an incorporated area. The
21 provisions of this section shall be retroactive to July 28, 1995.

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

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

31 (f) Upon the director's determining that the applicant is qualified
32 hereunder and that the application is in the public interest, a permit may be
33 issued as authorized in this section.

34
35 /s/ W. Lewellen
36