

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 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 121

4
5 By: Senator R. Thompson
6
7

For An Act To Be Entitled

8
9 AN ACT TO INCREASE THE PERMIT FEES FOR THE
10 MANUFACTURE, SALE, AND DISTRIBUTION OF ALCOHOLIC
11 BEVERAGES; TO AMEND THE PENALTY PROVISIONS
12 RELATED TO ALCOHOLIC BEVERAGES; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 TO INCREASE THE PERMIT FEES FOR THE
17 MANUFACTURE, SALE, AND DISTRIBUTION OF
18 ALCOHOLIC BEVERAGES AND TO AMEND THE
19 PENALTY PROVISIONS RELATED TO ALCOHOLIC
20 BEVERAGES.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 3-3-204(c), concerning the handling of
26 alcoholic beverages by minors, is amended to read as follows:

27 (c) With the written consent of a parent or guardian, persons nineteen
28 (19) years of age and older may sell and handle alcoholic beverages at an
29 establishment that is licensed for on-premises consumption of alcoholic
30 beverages under § 3-9-202(8) and (9), or § 3-9-301, ~~or § 3-9-501.~~
31

32 SECTION 2. Arkansas Code § 3-3-210 is amended to read as follows:

33 3-3-210. Sale on Sunday or early weekday mornings.

34 (a)(1) ~~Any~~ A person who ~~shall sell~~ sells intoxicating alcoholic liquor
35 on Sunday, except as such sales are authorized by §§ 3-9-215, and 3-9-216,
36 and ~~3-9-401 et seq.~~ subdivision (a)(3) of this section, or between 1:00 a.m.



1 and 7:00 a.m. on weekdays ~~shall be~~ is guilty of a violation and for the first
 2 offense shall be punished by a fine of not less than one hundred dollars
 3 (\$100) nor more than two hundred fifty dollars (\$250).

4 (2) For the second and subsequent offenses, the person ~~shall be~~
 5 is guilty of a Class B misdemeanor.

6 (3) A person that holds a permit that allows the on-premises
 7 consumption of alcoholic beverages may operate on Sundays between the hours
 8 of 10:00 a.m. and 12:00 midnight.

9 (b)(1)(A) As a further exception to the Sunday sales prohibition set
 10 out in subsection (a) of this section, counties and cities in the state ~~in~~
 11 ~~which the sale of alcoholic beverages is authorized by the adoption of an~~
 12 ~~ordinance by the county quorum court or city board or other governing body~~
 13 ~~may refer to the voters~~ may refer to the voters at an election the issue of
 14 whether to authorize the sale of alcoholic beverages for off-premises
 15 consumption on Sundays between the hours of ~~12:00 noon and 10:00 p.m.~~ 10:00
 16 a.m. and 12:00 midnight or within a lesser period within ~~such~~ the hours as
 17 may be provided ~~in the ordinance~~ under a referendum election conducted in
 18 accordance with the following:

19 (i) A referendum election may be called in a city by a petition
 20 filed with the city clerk signed by fifteen percent (15%) of the qualified
 21 electors who cast a vote in the city for the Office of Governor in the last
 22 general election in which the office appeared on the ballot; or

23 (ii) A referendum election may be called in a county by
 24 resolution adopted by petition filed with the county clerk signed by fifteen
 25 percent (15%) of the qualified electors who cast a vote in the county for the
 26 Office of Governor in the last general election in which the office appeared
 27 on the ballot.

28 (B) The Sunday sale of alcoholic beverages ~~as~~ authorized
 29 in this subsection shall be limited to those businesses within the county or
 30 city that possess a current and valid license for the sale of alcoholic
 31 beverages issued by the Alcoholic Beverage Control Division.

32 (2)(A) The election under this subsection shall be conducted on
 33 a citywide or countywide basis.

34 (B) All qualified electors within the city or county, as
 35 the case may be, shall be eligible to vote even though they may reside in a
 36 dry area ~~thereof~~.

1 (C) The election under this subsection on the Sunday sales
 2 question shall be held in accordance with the procedures established for on-
 3 premises consumption elections by § 3-9-201 et seq., and the ballot for ~~such~~
 4 the election shall be printed substantially as follows:

5 “() FOR THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME OF
 6 CITY OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.

7 () AGAINST THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME
 8 OF CITY OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.”

9 (3)(A) The vote of the majority of the electors in a citywide
 10 election approving Sunday sales shall authorize ~~such the~~ sales in all
 11 permitted outlets located within the incorporated areas of ~~such the~~ city
 12 only.

13 (B) The vote of the majority of the electors in a
 14 countywide election approving Sunday sales shall authorize ~~such the~~ sales in
 15 all permitted outlets located anywhere within ~~such the~~ county.

16 (4) The vote of the majority of the electors against the off-
 17 premises sale of alcoholic beverages on Sunday ~~will have~~ has no effect on ~~any~~
 18 ~~area that had previously approved Sunday~~ sales of mixed drinks in hotels and
 19 restaurants as authorized by § 3-9-215 or § 3-9-216 or any other on-premises
 20 consumption permitted outlet.

21 (c) Notwithstanding the authority granted to counties and cities in
 22 this section, wholesale distributors of intoxicating alcoholic liquor may not
 23 sell or deliver any alcoholic beverages to retailers on a Sunday.

24
 25 SECTION 3. Arkansas Code Title 3, Chapter 4, Subchapter 1 is amended
 26 to add a new section as follows:

27 3-4-105. Temporary permits.

28 (a)(1) The Alcoholic Beverage Control Division may issue a temporary
 29 permit for the sale of alcoholic beverages within categories set out in
 30 subsection (b) or this section at a function sponsored by or for the benefit
 31 of a non-profit organization or charitable organization.

32 (2) A temporary permit issued under this subsection may be
 33 issued for a period of time not to exceed five (5) consecutive days.

34 (3) An application for a temporary permit issued under this
 35 subsection shall meet the requirements as established by the Director of the
 36 Alcoholic Beverage Control Division and set out in the application.

1 (b)(1) The categories and application fees for temporary permits
 2 issued under subsection (a) of this section are as follows:

3 (A) Temporary beer permit – One hundred dollars (\$100) for
 4 each event for a temporary permit allowing the sale of beer;

5 (B) Temporary wine permit – One hundred dollars (\$100) for
 6 each event for a temporary permit allowing the sale of wine; and

7 (C) Temporary spirit permit – One hundred dollars (\$100)
 8 for each event for a temporary permit allowing the sale of spirituous
 9 alcoholic beverages.

10 (2) A temporary permit issued under subsection (a) of this
 11 section is only for on-premises consumption at the event specified in the
 12 temporary permit.

13 (c) An applicant may apply for one (1) or more of the temporary
 14 permits authorized in subsection (a) of this section for an event.

15
 16 SECTION 4. Arkansas Code § 3-4-403(11) and (12), concerning Class A
 17 violations, is amended to read as follows:

18 (11) The permittee possessed or knew or reasonably should have
 19 known that any agent or employee or patron of the establishment possessed on
 20 the permitted premises any illegal drug or narcotic or controlled substance
 21 or that any agent or employee while acting on the permittee’s behalf
 22 knowingly allowed the possession on the permitted premises of any illegal
 23 drug or narcotic or controlled substance; ~~and~~

24 (12) Selling or allowing the consumption of alcoholic beverages
 25 on the permitted premises when the permit is suspended or on inactive status;

26 (13) Selling to minors;

27 (14) Unauthorized employment of a minor;

28 (15)(A) Disorderly conduct or a breach of the peace by a patron
 29 or employee on the permitted premises.

30 (B) As used in subdivision (15)(A) of this section,
 31 “disorderly conduct” includes without limitation a fight, brawl, or
 32 disturbance that results in bodily injury to a person on the permitted
 33 premises;

34 (16) Violation of § 3-3-218;

35 (17) Selling to an intoxicated person;

36 (18) Unauthorized manufacturing, selling, offering, dispensing,

1 or giving away of controlled beverages;
 2 (19) Conducting or permitting gambling on premises;
 3 (20) Violation of legal closing hours; and
 4 (21) Possession of a weapon on the permitted premises by a
 5 person without a possessory or proprietary interest in the permitted
 6 premises.

7
 8 SECTION 5. Arkansas Code § 3-4-404(11) – (24), concerning Class B
 9 violations, are amended to read as follows:

10 ~~(11) Selling to minors;~~
 11 ~~(12)(11) Selling to the insane;~~
 12 ~~(13)(12) Selling to bootleggers;~~
 13 ~~(14)(13) Accepting food stamps in payment for controlled~~
 14 ~~beverages;~~
 15 ~~(15) Unauthorized employment of minors;~~
 16 ~~(16) Any disorderly conduct or a breach of the peace by patrons~~
 17 ~~or employees on the permitted premises. Such disorderly conduct shall~~
 18 ~~include, but not be limited to, fights, brawls, or disturbances which result~~
 19 ~~in bodily injury to any degree to any person on the premises;~~
 20 ~~(17) Violation of § 3-3-218, failure to be a good neighbor;~~
 21 ~~(18) Selling to an intoxicated person;~~
 22 ~~(19) Unauthorized manufacturing, selling, offering, dispensing,~~
 23 ~~or giving away of controlled beverages;~~
 24 ~~(20)(14) Unlawful manufacture or sale in a dry area; and~~
 25 ~~(21) Conducting or permitting gambling on premises;~~
 26 ~~(22) Violation of legal closing hours;~~
 27 ~~(23)(15) Sale of controlled beverages by vending machine; and~~
 28 ~~(24) Possession of a weapon on the permitted premises by any~~
 29 ~~person without a possessory or proprietary interest in the permitted~~
 30 ~~premises.~~

31
 32 SECTION 6. Arkansas Code § 3-4-701(c), concerning post exchange
 33 package permits, is amended to read as follows:

34 (c) Each permit shall be issued annually for a fee of ~~one hundred~~
 35 ~~dollars (\$100)~~ one thousand dollars (\$1,000) and shall expire on June 30 of
 36 each ~~and every~~ year.

1
 2 SECTION 7. Arkansas Code § 3-4-706(c)(3)(A), concerning the permit fee
 3 for military service clubs, is amended to read as follows:

4 (c)(3)(A) The annual fee for each ~~such~~ military service club
 5 mixed drink permit shall be ~~five hundred dollars (\$500)~~ seven hundred fifty
 6 dollars (\$750), and ~~such fees~~ the annual fee shall be due and collected in
 7 the same manner as all other permit fees collected by the division.

8
 9 SECTION 8. Arkansas Code § 3-4-902(b), concerning off-premises
 10 caterer's permits, is amended to read as follows:

11 (b) The annual fee for ~~a~~ an off-premises caterer's permit shall be ~~two~~
 12 ~~hundred dollars (\$200)~~ five hundred dollars (\$500), and ~~it~~ the off-premises
 13 caterer's permit shall be renewed on an annual basis.

14
 15 SECTION 9. Arkansas Code Title 3, Chapter 4 is amended to add a new
 16 subchapter as follows:

17 Subchapter 10. Restaurant Beer and Wine Permit.

18
 19 3-4-1001. Creation – Issuance – Expiration.

20 (a)(1) In addition to all other existing alcoholic beverage permits
 21 authorized to be issued by the Alcoholic Beverage Control Division for the
 22 retail sale of alcoholic beverages, there is hereby created a restaurant beer
 23 and wine permit, which authorizes the sale of malt beverages, light beer, and
 24 wine as defined in § 3-9-301(2) at restaurants as defined in § 3-9-302.

25 (2) The restaurant beer and wine permit is not subject to any
 26 quota restrictions.

27 (b) The permit shall be issued by the Alcoholic Beverage Control
 28 Division to a qualified person.

29 (c) Each restaurant beer and wine permit shall be issued annually for
 30 a fee of three hundred and fifty dollars (\$350) and shall expire on June 30
 31 of each year.

32
 33 3-4-1002. Rules.

34 The Alcoholic Beverage Control Division may adopt rules to carry out
 35 the this subchapter, to establish appropriate application forms, permit
 36 forms, and procedures, and to do all other things necessary to implement this

1 subchapter.

2

3 3-4-1003. Unauthorized sales – Penalties.

4 An unauthorized sale under the restaurant beer and wine permit created
 5 in this subchapter is subject to the same penalties as established for other
 6 on-premises retail permits pursuant to this title.

7

8 SECTION 10. Arkansas Code § 3-5-105(e), concerning beer festival
 9 permits, is amended to read as follows:

10 (e) The permittee shall pay to the board a fee of ~~fifty dollars~~
 11 ~~(\$50.00)~~ two hundred fifty dollars (\$250) per event for a temporary permit
 12 under this section.

13

14 SECTION 11. Arkansas Code § 3-5-205(a), concerning privilege taxes, is
 15 amended to read as follows:

16 (a) For the privilege of doing business, there shall, each fiscal year
 17 beginning July 1, be assessed, levied, and collected from each:

18 (1)(A) ~~From each wholesale~~ Wholesale dealer or broker, or
 19 distributor in light wine or beer, a special tax of ~~two hundred fifty dollars~~
 20 ~~(\$250)~~ one thousand dollars (\$1,000) for each county in which the broker,
 21 distributor, or wholesale dealer operates.

22 (B) However, ~~in no event shall~~ the special tax shall not
 23 exceed ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000) for any
 24 one (1) broker, distributor, or wholesale dealer;

25 (2) ~~From each manufacturer~~ Manufacturer of beer, a special tax
 26 of ~~five hundred dollars (\$500)~~ seven hundred fifty dollars (\$750); and

27 (3) ~~From each retail~~ Retail dealer of nonintoxicating liquor, a
 28 special tax of ~~two hundred dollars (\$200)~~ three hundred fifty dollars (\$350).

29

30 SECTION 12. Arkansas Code § 3-5-209 is amended to read as follows:

31 3-5-209. Transfer of permit – Dancing privileges – Inspection fee.

32 ~~Any person requesting a transfer of an existing retail liquor or beer~~
 33 ~~permit to another location or any person requesting dancing on legally~~
 34 ~~licensed premises shall be required to pay a five dollar (\$5.00) special~~
 35 ~~inspection fee which shall be payable at the time the application for~~
 36 ~~transfer is made~~

1 (a) A person that holds an alcoholic beverage control permit may
 2 request that certain special applications be made on the permit as follows:

3 (1) A permit holder may request a transfer of location of a
 4 permit to a new location subject to any restrictions or qualifications that
 5 may apply to the permit;

6 (2) A permit holder requesting the addition of dancing of any
 7 kind on the permit may request dancing subject to any restrictions that may
 8 apply to the permit;

9 (3) A permit holder may request a change of trade name for the
 10 permitted business subject to any restrictions that apply to the permit;

11 (4) A partnership, corporation, or limited liability company may
 12 request a change of manager application so that the existing manager of the
 13 partnership, corporation, or limited liability company is replaced by a new
 14 manager subject to any restrictions that may apply to the permit; and

15 (5) An on-premises consumption permittee which has filed an
 16 entertainment activity sheet as required by the Alcoholic Beverage Control
 17 Division rules may file a request for permission to amend the entertainment
 18 activity sheet that was filed with the permit, subject to any restrictions or
 19 qualifications that apply to the permit.

20 (b)(1) The fee for any of the special applications set forth in
 21 subsection (a) of this section is fifty dollars (\$50.00) for each special
 22 application.

23 (2) The special application fee is payable at the time the
 24 special application is made.

25
 26 SECTION 13. Arkansas Code § 3-5-1205(3), concerning microbrewery-
 27 restaurant permit fees, is amended to read as follows:

28 (3) Pay a state permit fee to the Alcoholic Beverage Control
 29 Board of ~~one hundred fifty dollars (\$150)~~ two hundred dollars (\$200) per year
 30 for the rights and privileges provided by the microbrewery-restaurant
 31 distribution permit granted as per under § 3-5-1204(b).

32
 33 SECTION 14. Arkansas Code § 3-5-1306(b), concerning the permit fees
 34 for nonresident beer sellers, is amended to read as follows:

35 (b)(1)(A) In addition, every applicant for a nonresident seller's
 36 permit shall pay to the division an annual permit fee, ~~which is established~~

1 ~~at one hundred dollars (\$100)~~ of three hundred fifty dollars (\$350) if ~~such~~
 2 the applicant ~~shall have~~ shipped, sold, or otherwise distributed fewer than
 3 two hundred (200) barrels, as defined for excise tax purposes under this
 4 Code, of any beer or malt in this state in the year immediately preceding the
 5 application.

6 (B) If ~~such the~~ applicant ~~shall have~~ shipped, sold, or
 7 otherwise distributed in this state from two hundred (200) to one thousand
 8 (1,000) barrels in the year immediately preceding application, ~~such the~~
 9 applicant shall pay an annual permit fee of ~~five hundred dollars (\$500)~~ one
 10 thousand dollars (\$1,000).

11 (C) If ~~such the~~ applicant ~~shall have~~ shipped, sold, or
 12 otherwise distributed in this state more than one thousand (1,000) barrels in
 13 the year immediately preceding application, ~~such the~~ applicant shall pay an
 14 annual permit fee of ~~one thousand dollars (\$1,000)~~ two thousand dollars
 15 (\$2,000).

16 (2) Each holder of a nonresident seller's permit shall pay the
 17 permit fee based on the previous calendar year's shipments into the state.

18
 19 SECTION 15. Arkansas Code § 3-5-1306(d), concerning permit fees for
 20 wholesale support centers, is amended to read as follows:

21 (d) An applicant for a wholesaler support center permit shall pay an
 22 annual permit fee of ~~one thousand dollars (\$1,000)~~ two thousand dollars
 23 (\$2,000).

24
 25 SECTION 16. Arkansas Code § 3-5-1506(b), concerning temporary wine
 26 charitable auction permit fees, is amended to read as follows:

27 (b) The fee for the temporary wine charitable auction permit shall be
 28 ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100).

29
 30 SECTION 17. Arkansas Code § 3-5-1605(a), concerning license fees for
 31 manufacturing and selling wine, is amended to read as follows:

32 (a) For the privilege of doing business respectively, as indicated in
 33 this section, there shall ~~each fiscal year beginning July 1~~ be imposed,
 34 assessed, levied, and collected each fiscal year beginning July 1, the
 35 following license fees:

36 (1)(A) For the privilege of manufacturing wine in quantities not

1 to exceed five thousand gallons (5,000 gals.), a license fee of ~~one dollar~~
 2 ~~(\$1.00) per one thousand (1,000) gallons~~ two hundred dollars (\$200) shall be
 3 paid by the manufacturer.

4 (B) However, ~~any a~~ person in this state ~~shall have the~~
 5 ~~right to~~ may manufacture wine from fruits or vegetables in quantities not to
 6 exceed two hundred gallons (200 gals.) for consumption in the person's home
 7 by the person and the person's guests but not for sale free from ~~this the~~
 8 license fee under subdivision (a)(1)(A) of this section ~~from fruits or~~
 9 ~~vegetables wine for consumption in their homes by themselves and their guests~~
 10 ~~but not for sale, in quantities not to exceed two hundred gallons (200 gals.);~~

11 (2) For the privilege of manufacturing small farm wine in excess
 12 of five thousand gallons (5,000 gals.), a license fee of ~~two hundred fifty~~
 13 ~~dollars (\$250)~~ four hundred dollars (\$400) shall be paid by the manufacturer;

14 (3)(A) For the privilege of selling small farm winery wine
 15 except by a manufacturer for consumption at the manufacturer's winery, there
 16 shall be paid for each retail dealer's license a fee of ~~fifteen dollars~~
 17 ~~(\$15.00)~~ two hundred dollars (\$200).

18 (B) This subdivision (a)(3) applies to all retail licenses
 19 for grocery stores, convenience stores, liquor stores, and package stores
 20 that sell malt beverages and wine;

21 (4)(A) For the privilege of selling small farm wine except by a
 22 manufacturer at the manufacturer's winery, there shall be paid for each
 23 wholesale dealer's license a fee of ~~fifty dollars (\$50.00)~~ one hundred
 24 dollars (\$100).

25 (B) This subdivision (a)(4) applies to all ~~beverage~~
 26 ~~alcohol~~ alcoholic beverage wholesale distributors;

27 (5) For the privilege of selling small farm winery wine at the
 28 winery or in this state, there is imposed, assessed, and levied a tax of
 29 seventy-five cents (75¢) per gallon upon all the small farm winery wine
 30 manufactured and sold in this state under ~~the provisions of~~ this subchapter;
 31 and

32 (6) For the privilege of selling small farm winery light wine at
 33 the winery or in this state, there is imposed, assessed, and levied a tax of
 34 twenty-five cents (25¢) per gallon upon all light wine manufactured and sold
 35 in this state under the provisions of this subchapter.

36

SECTION 18. Arkansas Code § 3-7-111(a)(1)(C) and (D), concerning additional fees for operating a dispensary and for the privilege of storing, transporting, and selling alcoholic beverages, is amended to read as follows:

(C) In addition to the fee imposed for the privilege of operating a dispensary under § 3-4-604, an additional fee of ~~one hundred dollars (\$100)~~ one thousand dollars (\$1,000) for the issuance of each permit; and

(D) In addition to the permit fee now imposed under § 3-4-605 for the privilege of storing, transporting, and selling at wholesale spirituous, vinous, or malt liquors, an additional tax of ~~three hundred dollars (\$300)~~ eleven thousand eight hundred dollars (\$11,800).

SECTION 19. Arkansas Code § 3-9-212(a), concerning the permit fees to sell alcoholic beverages for on-premises consumption, is amended to read as follows:

(a) Each application for a permit to sell alcoholic beverages for on-premises consumption shall be accompanied by a permit fee in the following applicable amount:

Hotel, having fewer than 100 rooms	\$ 500 <u>750</u>
Hotel, having 100 or more rooms	1,000 <u>1,500</u>
Restaurant, having a seating capacity of less than 100 persons	500 <u>750</u>
Restaurant, having a seating capacity of 100 or more persons	1,000 <u>1,500</u>
<u>Large meeting or attendance facility as defined in § 3-9-202(8)(B)</u>	<u>2,500</u>

SECTION 20. Arkansas Code § 3-9-215 is amended to read as follows:
3-9-215. Authorization of Sunday sales on December 31.

~~(a)(1) The provisions of this section shall be applicable to only those cities and counties in this state in which the sale of alcoholic beverages for on-premises consumption in restaurants or hotels has been approved by a majority of the qualified electors of the city or county voting on the issue at a referendum election authorized by this subchapter. These provisions shall apply only with respect to the sale of alcoholic beverages~~

1 in restaurants or hotels which have a valid and current license or permit to
2 sell alcoholic beverages for consumption on the premises thereof.

3 (2) In no event shall this section be construed to authorize the
4 sale of alcoholic beverages in any city or county or in any portion thereof
5 in which the sale of alcoholic beverages is prohibited by law. Nothing in
6 this section shall be construed to repeal or modify any law which prohibits
7 the sale of intoxicating alcoholic liquor, beer, or wine on Sunday unless the
8 law specifically conflicts with this section.

9 (b)(1) Any city of the first class or any county in which the sale of
10 alcoholic beverages for on premises consumption in licensed restaurants and
11 hotels has been authorized by a majority of the qualified electors of that
12 city or county voting on the issue at an election held therefor pursuant to
13 the provisions of this subchapter, by ordinance adopted by the governing body
14 of such city or county may refer to the voters at an election the issue of
15 whether or not to authorize the sale of alcoholic beverages on Sundays
16 between the hours of 12:00 noon and 10:00 p.m., or within a lesser period
17 within such hours as may be provided in the ordinance.

18 (2) Provided, however, when (a) When a Sunday falls on December
19 31 of any year, such licensed restaurants and hotels authorized to sell
20 alcoholic beverage under § 3-3-210, may automatically sell alcoholic
21 beverages for on-premises consumption between the hours of ~~12:00 noon~~ 10:00
22 a.m. on Sunday and 2:00 a.m. on the following Monday unless the city, town,
23 or county establishes by ordinance a lesser period of time within which
24 alcoholic beverages may be sold for on-premises consumption by the licensed
25 restaurants and hotels.

26 (3) The Sunday sale of alcoholic beverages for on premises
27 consumption as authorized in this section shall be limited to those
28 restaurants and hotels which possess a current and valid permit or license
29 for the sale of alcoholic beverages for on premises consumption issued under
30 the authority of § 3-5-301 et seq., this subchapter, and § 3-9-301 et seq.
31 The election shall be held in accordance with the procedures established by §
32 3-9-201 et seq.

33 (4) On the ballot for the election shall be printed
34 substantially the following:
35 [] FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON PREMISES CONSUMPTION ON A
36 SUNDAY IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY),

1 ~~ARKANSAS, AS AUTHORIZED BY LAW.~~
2 ~~[] AGAINST THE SALE OF ALCOHOLIC BEVERAGES FOR ON PREMISES CONSUMPTION ON A~~
3 ~~SUNDAY IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY),~~
4 ~~ARKANSAS, AS AUTHORIZED BY LAW.~~

5
6 SECTION 21. Arkansas Code §3-9-222(b), concerning permit fees for
7 private clubs, is amended to read as follows:

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

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)~~ two
13 hundred fifty dollars (\$250).

14
15 SECTION 22. Arkansas Code § 3-9-227(b), concerning mixed drink permit
16 fees for large attendance facilities, is amended to read as follows:

17 (b)(1) The ~~permit fees and~~ attendance qualifications for ~~such permits~~
18 the large attendance facility mixed drink permit are the same as those
19 currently provided for large attendance facilities as set out in § 3-9-
20 202(8)(B).

21 (2) The annual fee for the large attendance facility mixed drink
22 permit is three thousand dollars (\$3,000) per fiscal year.

23
24 SECTION 23. Arkansas Code § 3-9-301(3), concerning the definition of a
25 license to sell wine in a restaurant or cafe, is amended to read as follows:

26 (3)(A) "License" means a license to sell wine in a restaurant or
27 cafe ~~as defined herein~~.

28 (B) An annual fee of ~~fifty dollars (\$50.00)~~ three hundred
29 dollars (\$300) shall be paid for each license or renewal ~~thereof~~ of a
30 license.

31 (C) All moneys derived from ~~such~~ the annual fees shall be
32 deposited ~~in~~ into the State Treasury as general revenues to the credit of the
33 State Apportionment Fund, ~~there~~ to be allocated and transferred to the
34 various funds, fund accounts, and accounts participating in general revenues
35 in the respective proportions to each as provided by law, and to be used for
36 the respective purposes set forth in the Revenue Stabilization Law, § 19-5-

1 101 et seq.;

2
3 SECTION 24. Arkansas Code §§ 3-9-401 - 3-9-413 are repealed.

4 ~~3-9-401. Purpose.~~

5 ~~The business of handling, distributing, and selling alcoholic beverages~~
6 ~~for on-premises consumption on Sunday is declared to be a privilege under the~~
7 ~~laws of the State of Arkansas and the purpose of this subchapter is to~~
8 ~~require such permits and to impose such fees as are necessary to regulate and~~
9 ~~to limit the business of Sunday sales of alcoholic beverages for on-premises~~
10 ~~consumption to those restaurants serving alcoholic beverages with meals and~~
11 ~~to those hotels and convention centers competing for convention and tourism~~
12 ~~business.~~

13
14 ~~3-9-402. Definitions.~~

15 ~~As used in this subchapter, unless the context otherwise requires:~~

16 ~~(1) "Alcoholic beverages" means all intoxicating liquors of any~~
17 ~~sort;~~

18 ~~(2) "Board" means the Alcoholic Beverage Control Board of this~~
19 ~~state or any successor agency;~~

20 ~~(3) "Director" means the Director of the Alcoholic Beverage~~
21 ~~Control Division;~~

22 ~~(4) "Hotel" means every building or other structure commonly~~
23 ~~referred to as a hotel, motel, motor hotel, motor lodge, or similar name~~
24 ~~where sleeping accommodations are offered which is kept, used, maintained,~~
25 ~~advertised, and held out to the public to be a place where food is actually~~
26 ~~served and consumed for adequate pay to travellers or guests, whether~~
27 ~~transient, permanent, or residential, and which:~~

28 ~~(A) Has fifty (50) or more rooms for sleeping~~
29 ~~accommodations;~~

30 ~~(B) Is kept, used, maintained, advertised, and held out to~~
31 ~~the public to be a place where food and food items are served;~~

32 ~~(C) Actually serves full and complete meals prepared in a~~
33 ~~fully equipped and sanitary kitchen and prepared from uncooked foods for~~
34 ~~service to and for consumption by the guests and customers on the premises;~~

35 ~~(D) Has a dining room or rooms with a seating capacity of~~
36 ~~at least fifty (50) people where meals are served to guests and customers;~~

1 ~~(E) Has the sleeping accommodations and the dining room or~~
 2 ~~rooms in the same building or in separate buildings or structures used in~~
 3 ~~connection therewith that are on the same premises and are a part of the same~~
 4 ~~hotel operation;~~

5 ~~(F) Has employed a sufficient number and kind of employees~~
 6 ~~to prepare, cook, and serve suitable foods or food items to its guests and~~
 7 ~~customers;~~

8 ~~(G) Serves food on all days of operations;~~

9 ~~(H) Maintains separate sales figures for alcoholic~~
 10 ~~beverages; and~~

11 ~~(I) Has gross sales of sixty percent (60%) or more from~~
 12 ~~items in the following categories:~~

13 ~~(i) Food and food items;~~

14 ~~(ii) Nonalcoholic beverages; and~~

15 ~~(iii) Including up to twenty percent (20%) of~~
 16 ~~receipts for sleeping accommodations;~~

17 ~~(5) "On premises consumption" means the sale of alcoholic~~
 18 ~~beverages by the drink or in broken or unsealed containers for consumption on~~
 19 ~~the premises where sold;~~

20 ~~(6) "Person" means any natural person, partnership, association,~~
 21 ~~or corporation;~~

22 ~~(7) "Private club" means a nonprofit organization, association,~~
 23 ~~or corporation as defined as a private club in § 3-9-202(10);~~

24 ~~(8) "Restaurant" means any public or private place, without~~
 25 ~~sleeping accommodations and that place;~~

26 ~~(A) Is kept, used, maintained, advertised, and held out to~~
 27 ~~the public or to a private or restricted membership as a place whose primary~~
 28 ~~function and purpose is to take orders for and to serve food and food items;~~

29 ~~(B) Actually serves full and complete meals prepared in a~~
 30 ~~fully equipped and sanitary kitchen and prepared from uncooked foods for~~
 31 ~~service to and for consumption by its guests or members on the premises;~~

32 ~~(C) Has a seating capacity of at least fifty (50) people;~~

33 ~~(D) Has employed a sufficient number and kind of employees~~
 34 ~~to prepare, cook, and serve suitable foods to its guests or members;~~

35 ~~(E) On Sundays, serves alcoholic beverages on premises~~
 36 ~~only, in conjunction with meals;~~

1 ~~(F) Serves food on all days of operations;~~

2 ~~(G) Maintains separate sales figures for alcoholic~~
3 ~~beverages; and~~

4 ~~(H) Has gross sales of sixty percent (60%) or more from~~
5 ~~the sale of food, food items, and nonalcoholic beverages or in the case of~~
6 ~~excursion boats, has gross sales of sixty percent (60%) of their gross income~~
7 ~~from boat rental fees and sales of food and nonalcoholic beverages;~~

8 ~~(9) "Excursion boat" means any passenger vessel or boat, such as~~
9 ~~a riverboat, floating restaurant, or excursion boat, which meets the~~
10 ~~requirements for a permit for on-premises consumption of alcoholic beverages~~
11 ~~under § 3-9-201 et seq. as a restaurant; and~~

12 ~~(10) "Restaurant" means any place that qualifies as a restaurant~~
13 ~~under subdivision (8) of this section or any large meeting or attendance~~
14 ~~facility as defined in § 3-9-202(8) which meets the requirements for a permit~~
15 ~~for on-premises consumption of alcoholic beverages under § 3-9-201 et seq. as~~
16 ~~a large meeting or attendance facility restaurant.~~

17
18 ~~3-9-403. Penalties.~~

19 ~~(a)(1) It shall be unlawful and shall constitute a Class A misdemeanor~~
20 ~~for any person not holding a valid Sunday sales permit issued under this~~
21 ~~subchapter to sell alcoholic beverages for on-premises consumption.~~

22 ~~(2) Each violation shall constitute a separate offense.~~

23 ~~(b) The Director of the Department of Finance and Administration shall~~
24 ~~have the authority to suspend, cancel, or revoke either the permit issued~~
25 ~~under this subchapter or the on-premises permit issued under § 3-9-201 et~~
26 ~~seq. to any hotel or restaurant, or both, if a permittee is convicted under~~
27 ~~this section.~~

28
29 ~~3-9-404. Permit Requirements.~~

30 ~~(a) Notwithstanding any other laws of this state which permit the sale~~
31 ~~of alcoholic beverages for on-premises consumption on Sundays, no hotel or~~
32 ~~restaurant that is licensed to sell alcoholic beverages for on-premises~~
33 ~~consumption under § 3-5-301 et seq., § 3-9-201 et seq., or § 3-9-301 et seq.~~
34 ~~shall be permitted to sell alcoholic beverages for on-premises consumption on~~
35 ~~Sundays until they obtain a permit, approved and issued by the Director of~~
36 ~~the Alcoholic Beverage Control Division, in accordance with rules and~~

1 ~~regulations promulgated by the Alcoholic Beverage Control Board for the sale~~
 2 ~~of alcoholic beverages for on premises consumption on Sundays. However, this~~
 3 ~~subchapter is not intended to impose an additional requirement on private~~
 4 ~~clubs licensed under § 3-9-201 et seq. to obtain a permit for Sunday sales of~~
 5 ~~alcoholic beverages for on premises consumption.~~

6 ~~(b) No hotel, motel, or restaurant shall obtain a permit to sell~~
 7 ~~alcoholic beverages for on premises consumption on Sundays unless:~~

8 ~~(1) It has a valid and current permit that is not suspended,~~
 9 ~~cancelled, or revoked to sell alcoholic beverages for on premises consumption~~
 10 ~~issued under § 3-5-301 et seq., § 3-9-201 et seq., or § 3-9-301 et seq.;~~

11 ~~(2) It is:~~

12 ~~(A) Located in a city or county where Sunday sale of~~
 13 ~~alcoholic beverages for on premises consumption has been approved by the~~
 14 ~~voters of the city or county as authorized under Arkansas law; or~~

15 ~~(B) A large attendance facility under § 3-9-202(8)(B) in~~
 16 ~~which pari-mutuel wagering has been authorized by law;~~

17 ~~(3) It meets all the requirements of being a hotel or a~~
 18 ~~restaurant as those items are defined in § 3-9-402; and~~

19 ~~(4) It pays the required fee for a permit as required in this~~
 20 ~~section and § 3-9-407.~~

21 ~~(c) However, any hotel or restaurant having been in operation for less~~
 22 ~~than ninety (90) days and without prior business experience on which to~~
 23 ~~determine the gross sales requirements for hotels and restaurants, as defined~~
 24 ~~in § 3-9-402, may be issued a temporary Sunday sales permit to sell alcoholic~~
 25 ~~beverages for on premises consumption on Sundays for a period not to exceed~~
 26 ~~ninety (90) days. The temporary ninety day time period is to be used to allow~~
 27 ~~the business establishment to make a determination of its gross sales. The~~
 28 ~~fee for the temporary Sunday sales permit shall be twenty five dollars~~
 29 ~~(\$25.00).~~

30
 31 ~~3-9-405. Permit Application.~~

32 ~~(a) Any hotel or restaurant as defined in § 3-9-402 desiring to sell~~
 33 ~~alcoholic beverages for on premises consumption on Sundays shall make~~
 34 ~~application to the Director of the Alcoholic Beverage Control Division for a~~
 35 ~~permit upon the forms prescribed and furnished by the director and in~~
 36 ~~accordance with the rules and regulations of the Alcoholic Beverage Control~~

1 ~~Board. The board shall have authority to require an applicant under oath to~~
 2 ~~disclose the following information:~~

3 ~~(1) The name of the applicant;~~

4 ~~(2) The location of the hotel or restaurant;~~

5 ~~(3) Sufficient data to establish that the applicant meets the~~
 6 ~~requirements of §§ 3-9-402 and 3-9-404;~~

7 ~~(4) The names and addresses of all owners of the hotel or~~
 8 ~~restaurant;~~

9 ~~(5) That the applicant is a citizen or resident alien of the~~
 10 ~~United States and a resident of Arkansas on the date of application, and if a~~
 11 ~~corporation, duly qualified to do business in this state;~~

12 ~~(6) That neither the applicant nor any person to be employed in~~
 13 ~~the serving of beverages authorized herein shall be a person who has been~~
 14 ~~convicted within five (5) years of the date of his or her employment of any~~
 15 ~~violation of the laws against possession, sale, manufacture, or~~
 16 ~~transportation of intoxicating liquor, or convicted of a felony;~~

17 ~~(7) That the manager or operator of the hotel or restaurant~~
 18 ~~seeking the permit is of good moral character and not a convicted felon; and~~

19 ~~(8) Such other relevant information as may be required.~~

20 ~~(b) Every permit issued under this subchapter shall be for an~~
 21 ~~indeterminate period, subject to compliance with the annual renewal~~
 22 ~~requirements prescribed in this subchapter, and shall not be transferable or~~
 23 ~~assignable as to owner or premises, except upon the written approval of the~~
 24 ~~director.~~

25
 26 ~~3-9-406. Consent to inspection.~~

27 ~~No permit shall be issued under this subchapter unless the permittee~~
 28 ~~has consented in writing that the permitted premises and its books and~~
 29 ~~records shall be open at all times to all law enforcement and tax officials~~
 30 ~~and officials of the Alcoholic Beverage Control Board and the Director of the~~
 31 ~~Department of Finance and Administration without requirement of warrant or~~
 32 ~~other legal process.~~

33
 34 ~~3-9-407. Fees for permit.~~

35 ~~(a) Each application for a Sunday sales permit shall be accompanied by~~
 36 ~~a permit fee in the following applicable amount:~~

1 provisions of this subchapter or any rule, regulation, or order of the
 2 Alcoholic Beverage Control Board. No permit shall be suspended, cancelled, or
 3 revoked except after hearing by the director with reasonable notice to the
 4 permittee and an opportunity for him or her to appear and defend himself or
 5 herself as provided in § 3-2-212. Appeals to the board from an order by the
 6 director of a suspension, cancellation, or revocation of a permit may be made
 7 as provided in § 3-2-215. Appeals from a board decision to the Pulaski County
 8 Circuit Court may be made as provided in § 3-2-216.

9
 10 ~~3-9-410. Grounds for suspension, etc., of permit.~~

11 ~~(a) Sunday sale permits may be suspended, cancelled, or revoked:~~

12 ~~(1) If the permittee no longer meets the requirements of the~~
 13 ~~definition of a hotel or a restaurant under § 3-9-402;~~

14 ~~(2) If the permit for on-premises consumption of alcoholic~~
 15 ~~beverages issued under § 3-5-301 et seq., § 3-9-201 et seq., or § 3-9-301 et~~
 16 ~~seq. is suspended, cancelled, or revoked for causes thereunder;~~

17 ~~(3) If the permittee's restaurant or hotel is located in a city~~
 18 ~~or county where Sunday sales are not authorized or are no longer authorized~~
 19 ~~under Arkansas law;~~

20 ~~(4) If the permittee willfully fails to keep any records or make~~
 21 ~~any reports required by this subchapter or by rules or regulations adopted~~
 22 ~~thereunder; or~~

23 ~~(5) If the permittee makes any materially false statement in any~~
 24 ~~application for a permit.~~

25 ~~(b) If any permittee shall fail to remit any fee levied in this~~
 26 ~~subchapter for the permit or for the annual renewal, the permit shall be~~
 27 ~~revoked. The permit may be restored if the renewal fee is paid within thirty~~
 28 ~~(30) days from the date on which due.~~

29
 30 ~~3-9-411. Sale of beer and wine.~~

31 ~~(a) Any permit for Sunday sales of alcoholic beverages for on-premises~~
 32 ~~consumption shall include authority to sell beer for consumption and to sell~~
 33 ~~native and imported wine by the drink as permittees, licensed under § 3-9-201~~
 34 ~~et seq., are authorized to do in § 3-9-211.~~

35 ~~(b) However, nothing in this subchapter shall authorize holders of~~
 36 ~~permits for on-premises consumption of alcoholic beverages on Sundays to sell~~

1 ~~or to dispense alcoholic beverages by the package or by the bottle for~~
 2 ~~consumption off the permitted premises.~~

3
 4 ~~3-9-412. Disposition of fees.~~

5 ~~(a) All permit fees collected for the state pursuant to this~~
 6 ~~subchapter shall be remitted monthly to the State Treasury as general~~
 7 ~~revenues and be credited to the State Apportionment Fund.~~

8 ~~(b) The fees shall be allocated and transferred to the various funds,~~
 9 ~~fund accounts, and accounts participating in general revenues in the~~
 10 ~~respective portions to each as provided by and to be used for the respective~~
 11 ~~purposes set forth in the Revenue Stabilization Law, § 19-5-101 et seq.~~

12
 13 ~~3-9-413. Exemptions.~~

14 ~~(a) Any person who on March 1, 1989, holds a Sunday sales permit under~~
 15 ~~this subchapter and who has annual gross sales of food, food items, and~~
 16 ~~nonalcoholic beverages of ninety thousand dollars (\$90,000) per year shall~~
 17 ~~not be required to meet the requirements of § 3-9-402(8)(H) relating to gross~~
 18 ~~sales.~~

19 ~~(b) Any person who on March 1, 1989, holds a Sunday sales permit under~~
 20 ~~this subchapter and whose business is located in a municipality having a~~
 21 ~~population of one hundred thousand (100,000) or more according to the most~~
 22 ~~recent decennial census shall not be required to meet the requirements of §~~
 23 ~~3-9-402(8)(H) relating to gross sales.~~

24
 25 SECTION 25. Arkansas Code §§ 3-9-501 - 3-9-507 are repealed.

26 ~~3-9-501. Definitions.~~

27 ~~As used in this subchapter, unless the context otherwise requires:~~

28 ~~(1) "Beer" means any fermented liquor made from malt or any~~
 29 ~~substitute thereof and having an alcoholic content of more than one half of~~
 30 ~~one percent (0.5%) of alcohol by weight but not in excess of five percent~~
 31 ~~(5%) by weight;~~

32 ~~(2) "Wine" means any light wine, port wine, sherry, vermouth, or~~
 33 ~~any other wine, the alcoholic content of which is more than one half of one~~
 34 ~~percent (0.5%) of alcohol by weight and which does not exceed twenty one~~
 35 ~~percent (21%) of alcohol by weight, regardless of whether the wine is~~
 36 ~~manufactured within or without the State of Arkansas;~~

1 ~~(3) "Director" means the Director of the Department of Alcoholic~~
2 ~~Beverage Control;~~

3 ~~(4) "Board" means any Alcoholic Beverage Control Board of this~~
4 ~~state or any successor agency;~~

5 ~~(5) "Hotel" has the same meaning as prescribed by § 3-9-402(4);~~
6 ~~and~~

7 ~~(6) "Restaurant" means any public or private place without~~
8 ~~sleeping accommodations and that place:~~

9 ~~(A) Is kept, used, maintained, advertised, and held out to~~
10 ~~the public or to a private or restricted membership as a place whose primary~~
11 ~~function and purpose is to take orders for and to serve food and food items;~~

12 ~~(B) Actually serves full and complete meals prepared in a~~
13 ~~fully equipped and sanitary kitchen and prepared from uncooked foods for~~
14 ~~service to and consumption by its guests or members on the premises;~~

15 ~~(C) Has employed a sufficient number and kind of employees~~
16 ~~to prepare, cook, and serve suitable foods to its guests or members;~~

17 ~~(D) On Sundays serves alcoholic beverages on premises~~
18 ~~only, in conjunction with meals;~~

19 ~~(E) Serves food on all days of operations;~~

20 ~~(F) Maintains separate sales figures for alcoholic~~
21 ~~beverages; and~~

22 ~~(G) Has gross sales of sixty percent (60%) or more from~~
23 ~~the sale of food, food items, and nonalcoholic beverages.~~

24
25 ~~3-9-502. Applicability of § 3-9-401 et seq.~~

26 ~~The provisions of § 3-9-401 et seq. are applicable to this subchapter~~
27 ~~to the extent that they are not in conflict herewith.~~

28
29 ~~3-9-503. Permit Requirements.~~

30 ~~(a) Any hotel or restaurant that is licensed to sell beer and wine for~~
31 ~~on-premises consumption under § 3-5-201 et seq. and § 3-9-301 et seq. may~~
32 ~~sell beer and wine for on-premises consumption on Sundays after obtaining a~~
33 ~~permit, approved and issued by the Director of the Alcoholic Beverage Control~~
34 ~~Division in accordance with rules and regulations promulgated by the~~
35 ~~Alcoholic Beverage Control Board, for the sale of beer and wine for on-~~
36 ~~premises consumption on Sundays.~~

1 ~~(b) No hotel or restaurant may obtain a permit to sell beer and wine~~
2 ~~for on-premises consumption on Sundays unless it:~~

3 ~~(1) Has valid and current permits which are not suspended,~~
4 ~~cancelled, or revoked, to sell beer and wine for on-premises consumption~~
5 ~~issued under § 3-5-201 et seq. and § 3-9-301 et seq.;~~

6 ~~(2) Is located in a city of the first class or second class or~~
7 ~~county where Sunday sales of beer and wine for on-premises consumption have~~
8 ~~been approved by the voters of the city or county, said election to be held~~
9 ~~in conformance with the methods used to call elections under § 3-9-201 et~~
10 ~~seq.;~~ and

11 ~~(3) Pays the required fee for a permit as required in this~~
12 ~~subchapter.~~

13 ~~(c)(1) However, any hotel or restaurant having been in operation for~~
14 ~~less than ninety (90) days and without prior business experience in which to~~
15 ~~determine the gross sales requirements for hotels and restaurants, as defined~~
16 ~~in § 3-9-402, may be issued a temporary Sunday sales permit to sell beer and~~
17 ~~wine for on-premises consumption on Sundays for a period not to exceed ninety~~
18 ~~(90) days.~~

19 ~~(2) The temporary ninety day time period is to be used to allow~~
20 ~~the business establishment to make a determination of its gross sales.~~

21 ~~(3) The fee for the temporary Sunday sales permit to allow the~~
22 ~~sale of beer and wine on Sunday in such qualified restaurants or hotels shall~~
23 ~~be twenty five dollars (\$25.00).~~

24
25 ~~3-9-504. Permit Application.~~

26 ~~(a) Any hotel or restaurant desiring to sell beer and wine only for~~
27 ~~on-premises consumption shall make application to the Director of the~~
28 ~~Alcoholic Beverage Control Division for a permit upon forms prescribed and~~
29 ~~furnished by the director in accordance with the rules and regulations of the~~
30 ~~Alcoholic Beverage Control Board.~~

31 ~~(b) No applicant shall be authorized to make any such sales until a~~
32 ~~permit is approved and issued by the director.~~

33 ~~(c) The board shall have authority to require an applicant, under~~
34 ~~oath, to disclose the following information:~~

35 ~~(1) The name of the applicant;~~

36 ~~(2) The location of the hotel or restaurant;~~

1 section.

2

3 ~~3-9-506. Referendum.~~

4 ~~(a) A referendum election authorizing the Sunday sale of beer and wine~~
5 ~~in hotels and restaurants as defined herein for on-premises consumption in~~
6 ~~any city of the first class or city of the second class or any county which~~
7 ~~already authorizes the sale of intoxicating beverages may be held under the~~
8 ~~general provisions of § 3-9-201 et seq.~~

9 ~~(b) On the ballot for the election shall be printed substantially the~~
10 ~~following:~~

11

12 ~~[] FOR THE SALE OF BEER AND WINE FOR ON PREMISES CONSUMPTION ON A SUNDAY IN~~
13 ~~QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY), ARKANSAS, AS~~
14 ~~AUTHORIZED BY LAW.~~

15 ~~[] AGAINST THE SALE OF BEER AND WINE FOR ON PREMISES CONSUMPTION ON A SUNDAY~~
16 ~~IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY), ARKANSAS, AS~~
17 ~~AUTHORIZED BY LAW.~~

18

19 ~~(c) To the extent not in conflict herewith, the referendum provisions~~
20 ~~of § 3-9-201 et seq. shall apply to this law.~~

21

22 ~~3-9-507. Sunday sales — Hours of operation.~~

23 ~~The Sunday hours of operation for the Sunday beer and wine permit shall~~
24 ~~be the same hours of operation established for Sunday mixed drink permits as~~
25 ~~set by § 3-9-215.~~

26

27 SECTION 26. Arkansas Code § 3-9-601(2)(B)(i), concerning the
28 definition of a license to sell wine for consumption on premises, is amended
29 to read as follows:

30 (B)(i) An annual fee of ~~three hundred dollars (\$300)~~ five
31 hundred dollars (\$500) shall be paid for each license or renewal ~~thereof~~.

32

33 SECTION 27. Arkansas Code § 5-73-306(12) and (13), concerning
34 prohibited places to carry a concealed weapon, is amended to read as follows:

35 (12) Any portion of an establishment, except a restaurant as
36 defined in ~~§ 3-9-402~~ § 3-9-202, licensed to dispense alcoholic beverages for

1 consumption on the premises;

2 (13) Any portion of an establishment, except a restaurant as
3 defined in ~~§ 3-9-402~~, § 3-9-202, where beer or light wine is consumed on the
4 premises;

5
6 SECTION 27. EFFECTIVE DATE. NOT TO BE CODIFIED. The permit fees
7 increased or established in this act shall become effective beginning with
8 the 2010 – 2011 renewal and new permit period.

9
10 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly of the State of Arkansas that on-premises consumption
12 outlets in the State of Arkansas are not able to compete on an equal and
13 similar basis with outlets located in states surrounding the State of
14 Arkansas; that the State of Arkansas is in need of additional revenues; that
15 only minor adjustments to the violation fine schedule have been made since
16 its passage in 1981; and that this act is immediately necessary to raise
17 additional revenues and to better address violations committed by Alcoholic
18 Beverage Control Division permit holders. Therefore, an emergency is
19 declared to exist and this act being immediately necessary for the
20 preservation of the public peace, health, and safety shall become effective
21 on:

22 (1) The date of its approval by the Governor;

23 (2) If the bill is neither approved nor vetoed by the Governor,
24 the expiration of the period of time during which the Governor may veto the
25 bill; or

26 (3) If the bill is vetoed by the Governor and the veto is
27 overridden, the date the last house overrides the veto.

28
29
30
31
32
33
34
35
36