

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/9/11 H3/15/11

A Bill

HOUSE BILL 2206

5 By: Representative T. Thompson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS REGARDING OFF-PREMISE RETAIL
9 LIQUOR PERMITS; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE LAWS REGARDING OFF-PREMISE
12 RETAIL LIQUOR 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 § 3-4-201(c), regarding the number of permits*
20 *that may issued, is amended to read as follows:*

21 *(c) The board ~~is further given the discretion to~~ may determine the*
22 *number of permits ~~to be~~ granted in each county of this state or within the*
23 *corporate limits of ~~any~~ a municipality of this state to determine the*
24 *location ~~thereof~~ and the persons to whom ~~they~~ the off-premises retail liquor*
25 *store permit shall be issued, under the following conditions:*

26 *(1)(A) The number of permits allowing the off-premises sale of*
27 *vinous (except wines), spirituous, or malt liquor in any county ~~or political~~*
28 *~~subdivision which~~ that permits the sale shall not exceed a ratio of one (1)*
29 *permit for every ~~four thousand (4,000) population~~ six thousand five hundred*
30 *(6,500) persons residing in that county ~~or subdivision~~.*

31 *(a) In counties in which only a portion of the*
32 *county is authorized to sell intoxicating liquors, the entire population of*
33 *the county shall be used to calculate the number of off-premise retail liquor*
34 *store permits that may be issued in that county.*

35 *(B) Population of the area involved shall be determined by*
36 *the most recent population figures established in a census by the Bureau of*



1 the Census of the United States Department of Commerce or other appropriate
2 governmental subdivision;

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

6 (A) Additional permits may be issued on a ratio of one (1)
7 for every additional ~~four thousand (4,000) population~~ six thousand five
8 hundred (6,500) persons within the area;

9 (B) Any qualified applicant may apply for a permit.
10 Qualifications are to be set from time to time by the board and its
11 determination of the public convenience and advantage;

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

16 (B) ~~In the event that such~~ If regular census population
17 figures decline in a given county, ~~or political subdivision thereof, no~~
18 existing permits shall not be cancelled or revoked for that reason, and the
19 quota ratio shall not be applied ~~thereto~~ until the population in the county
20 ~~or political subdivision thereof~~ reaches a number ~~equalling~~ equaling one (1)
21 permit to every ~~four thousand (4,000) population~~ six thousand five hundred
22 (6,500) persons ~~therein~~, nor shall any new permit be issued ~~therein~~ until the
23 population warrants.

24 (C) ~~No transfer~~ A transfer of locations from one county to
25 another county shall not be allowed.

26 (D) ~~In the event that any~~ If a holder of a permit for the
27 sale of vinous (except wines), spirituous, or malt liquor surrenders a permit
28 in a county ~~or municipality thereof~~ where the ratio no longer meets the ~~one~~
29 ~~to four thousand (1:4,000)~~ one to six thousand five hundred (1:6,500)
30 requirement, ~~no~~ new applications ~~will~~ shall not be accepted until that ratio
31 is reestablished at an approved census;

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

36 (ii) The permit may remain inactive for six (6)

1 months or until the permit holder notifies the director that he or she is
2 ready to resume business, whichever is longer.

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

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

7 (ii) The reason for the suspension of business
8 activities; and

9 (iii) The date business activity will resume.

10 (C)(i) The permit holder may petition the board for an
11 extension of inactive status for an additional six-month period.

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

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

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

26 (D) ~~Any~~ A permit remaining on inactive status for a period
27 of more than eighteen (18) months or which has not been granted an extension
28 under the provisions of this subdivision shall expire; and

29 (5)(A) Nothing in this section and §§ 3-4-202 and 3-4-208,
30 except a permit on inactive status for more than eighteen (18) months after
31 the provisions of subdivision (c)(4) of this section become effective or
32 which has expired in accordance with subdivision (c)(4) of this section,
33 shall be construed as to divest any permit holder holding the permit on July
34 1, 1991, regardless of the quota ratio, of his permit.

35 (B) In counties or municipalities which have a ratio lower
36 than the quota ratio established ~~herein~~ in this section, the permit holder

1 *shall be allowed to continue under subdivision (3)(B) of this subsection.*

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/s/T. Thompson

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