

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/16/87

HOUSE BILL 1875

By: Rep. Mahony

"AN ACT TO AMEND SUBSECTION (b) OF SECTION 10 OF ACT 132 OF 1969, AS AMENDED, [ARK. STAT. 48-1410] TO PROVIDE FOR THE PUBLICATION OF NOTICE OF APPLICATION TO THE ALCOHOLIC BEVERAGE CONTROL BOARD FOR A PRIVATE CLUB PERMIT; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (b) of Section 10 of Act 132 of 1969, as amended, the same being Arkansas Statutes Section 48-1410(b), is hereby amended to read as follows:

"(b) Application for a permit under the provisions of this Section may be made to the Director in accordance with the rules and regulations of the Board. The application shall be accompanied by an annual permit fee of five hundred dollars (\$500).

(1) Upon the filing of an application for a private club permit, the Director shall set a date for hearing the application and notify the applicant of such date and the place of the hearing, the date of the hearing to be no earlier than thirty (30) days nor later than sixty (60) days after receipt of application, except such hearing date may be more than sixty (60) days after the date of application if so requested by the applicant or for cause in writing given to the applicant. At the hearing the Director shall hear all parties interested and upon conclusion of the hearing, the Director shall issue a written order stating his reason for such decision.

After filing the application for a private club permit, the applicant, at his own expense, shall cause notice, as hereafter described, to be published at least three (3) weeks prior to the date of the hearing on the application, in a newspaper published in the county wherein the premises to be permitted are located and of general circulation in that county, or if there is no such

newspaper published in that county, then such notice shall be published in any newspaper of general circulation in that county. The notice shall state that the applicant has applied for a private club permit, the date and place of the hearing on the application, the name of the applicant, the name and address or location of the premises to be permitted and a statement that anyone interested may appear at the hearing. At least ten (10) days prior to the date of the hearing, the applicant shall certify to the Director that notice has been published as provided herein.

Upon the Director determining that the application is qualified hereunder and is in the public interest, a permit may be issued as authorized in this Section.

(2) Said permit shall be renewed on or before July 1 of each year, provided, that any permit issued between January 1 and July 1 of any year shall be at one half (|) of the amount of the fee provided herein. In addition, there is hereby levied a supplemental tax of ten percentum (10%) upon the gross proceeds or gross receipts derived by such private club from the charges to members for the preparation and serving of such mixed drinks or for the cooling and serving of such beer and wine, drawn from the private stocks of such members as hereinabove provided, for consumption only on the premises where served. Said supplemental tax shall be reported and paid to the Commissioner of Revenues in the same manner and at the same time as the gross receipts tax under the Gross Receipts Tax Act of 1941, as amended, and shall be in addition to such tax. The Commissioner of Revenues shall promulgate reasonable rules and regulations for the enforcement and collection of the tax levied herein, including a requirement that each permittee maintain records showing all such charges made. The taxes herein prescribed may be passed on to the member. In addition to the fee and/or supplemental tax as levied herein, any city or incorporated town, or any county in which the permitted premises are located, if located outside the limits of a city or incorporated town, may levy an additional permit fee and/or supplemental tax not to exceed one half (|) of the amount of the fee or rate provided in this Section. All fees and taxes levied hereunder by any city or county shall be used for city or county general purposes.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. Emergency. It is hereby found and determined by the General Assembly that because of the case *Ricarte v. State*, CR 86-31, a question has arisen over the validity of Act 1016 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

