

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1368

By: Representative Vines

By: Senator Burnett

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING THE PARTIES QUALIFIED TO HOLD A PERMIT ISSUED TO A PUBLICLY TRADED CORPORATION OR TO A CORPORATION THAT HOLDS MULTIPLE PERMITS ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL DIVISION; TO REQUIRE ONLY SHAREHOLDERS WHO ARE EXECUTIVE OFFICERS OR DIRECTORS OF A COMPANY BE IDENTIFIED ON AN ALCOHOLIC BEVERAGE CONTROL DIVISION PERMIT APPLICATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING THE PARTIES QUALIFIED TO HOLD A PERMIT ISSUED TO A PUBLICLY TRADED CORPORATION OR TO A CORPORATION THAT HOLDS MULTIPLE PERMITS; TO REQUIRE THAT AN EXECUTIVE OFFICER OR DIRECTOR BE IDENTIFIED.

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

SECTION 1. Arkansas Code § 3-2-205(b)(5), concerning the records kept by the Alcoholic Beverage Control Division, is amended to read as follows:

(5)(A) To keep records in proper form, to be prescribed by the Director of the Alcoholic Beverage Control Division and the Director of the Department of Finance and Administration, of all permits issued and all permits revoked under the provisions of this act and to keep records in such form so as to provide ready information as to the identity of all ~~permits~~



permit holders, including the names of stockholders who are not exempted under subdivision (b)(5)(B) of this section, and directors of corporations holding permits, and also the location of all permitted premises; and.

(B) The Alcoholic Beverage Control Division is not required to keep a record of the names of shareholders who are not the president or a director when the corporation:

(i) Is publicly traded on a nationally recognized stock exchange; or

(ii) Holds at least ten (10) permits issued by the Alcoholic Beverage Control Division for the sale of alcoholic beverages; and

SECTION 2. Arkansas Code § 3-4-209(2), concerning the information provided by an applicant for an alcoholic beverage permit, is amended to read as follows:

(2) The name and residence of each person interested, or to become interested, in the business of any permittee for which the application is made, together with the nature of the interests. If the applicant is a corporation, the application shall set forth the name of the corporation, the names of its directors or other governing body, the names of its ~~officers~~ president, and the state under the laws of which it is organized;

SECTION 3. Arkansas Code § 3-5-302(6)(A), concerning the information provided by an applicant for a permit to sell beer at retail, is amended to read as follows:

(6)(A)(i) If the applicant is a corporation, ~~all officers~~ the president and directors, any stockholder owning more than five percent (5%) of the stock of the corporation who are not exempted under subdivision (6)(A)(ii) of this section, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for an individual license.

(ii) An applicant is not required to state the identity of its shareholders who are not the president or a director when the corporation:

(a) Is publicly traded on a nationally recognized stock exchange; or

(b) Holds at least ten (10) permits issued by

the Alcoholic Beverage Control Division for the sale of alcoholic beverages.

SECTION 4. Arkansas Code § 3-9-305(a)(6)(A), concerning the license requirements for the sale of wine in a restaurant or cafe, is amended to read as follows:

(6)(A)(i) If the applicant is a corporation, ~~all officers the~~ president and directors thereof, any stockholder owning more than five percent (5%) of the stock of such corporation who is not exempted under subdivision (6)(A)(ii) of this section, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for an individual license.

(ii) An applicant is not required to state the identity of its shareholders who are not the president or the director when the corporation:

(a) Is publicly traded on a nationally recognized stock exchange; or

(b) Holds at least ten (10) permits issued by the Alcoholic Beverage Control Division for the sale of alcoholic beverages.

SECTION 5. Arkansas Code § 3-9-603(a)(7)(A), concerning the information provided by an applicant for a permit to sell wine at retail, is amended to read as follows:

(7)(A)(i) If the applicant is a corporation, ~~all officers the~~ president and directors thereof, any stockholder owning more than five percent (5%) of the stock of such corporation who is not exempted under subdivision (a)(7)(A)(ii) of this section, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for an individual license.

(ii) An applicant is not required to state the identity of its shareholders who are not the president or the director when a corporation:

(a) Is publicly traded on a nationally recognized stock exchange; or

(b) Holds at least ten (10) permits issued by the Alcoholic Beverage Control Division for the sale of alcoholic beverages.

APPROVED: 03/11/2013