

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/7/19

A Bill

HOUSE BILL 1534

5 By: Representatives Slape, *Wardlaw*
6 By: Senator J. Sturch
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE PROCEDURES FOR OBTAINING OR
10 TRANSFERRING A PERMIT FOR A PRIVATE CLUB; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO CLARIFY THE PROCEDURES FOR OBTAINING
16 OR TRANSFERRING A PERMIT FOR A PRIVATE
17 CLUB.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 3-9-222(a), concerning the procedure for
23 obtaining a permit for a private club, is amended to read as follows:

24 (a)(1)(A) Application for a permit to operate as a private club or to
25 transfer the location of an existing private club to a new location may be
26 made to the governing body of the county or municipality in which the private
27 club seeks to be located Director of the Alcoholic Beverage Control Division.

28 (B) The governing body of a county or municipality shall
29 adopt a resolution identifying whether the governing body wishes to:

30 (i) Review and either approve or deny applications
31 for a permit to operate as a private club within the county or municipality
32 at issue before the application is considered by the Director of the
33 Alcoholic Beverage Control Division; or

34 (ii) Deliver all applications for a permit to
35 operate as a private club within the county or municipality directly to the
36 Director of the Alcoholic Beverage Control Division for his or her



1 consideration with no review or action by the governing body.

2 (C) The governing body shall provide a copy of the
3 resolution adopted under subdivision (a)(1)(B) of this section to the
4 division within thirty (30) days.

5 (D) A governing body of a county or municipality that
6 opts to first review and approve or deny an application under subdivision
7 (a)(1)(B)(i) of this section shall:

8 (i) Adopt a resolution signifying the governing
9 body's decision to approve or deny an application for a permit prior to
10 consideration of an application by the director; and

11 (ii) Provide a copy of the resolution adopted under
12 subdivision (a)(1)(D)(i) of this section to the division within thirty (30)
13 days.

14 (2) Within ten (10) business days of receipt of an application
15 under subdivision (a)(1) of this section for a private club located in a
16 county or municipality that has opted to permit direct application to the
17 division under subdivision (a)(1)(B)(ii) of this section, the director shall
18 provide a copy of the application made to each member of the governing body
19 of:

20 (A) The city, if the proposed private club premises is
21 located in a city or within a city's extraterritorial zoning jurisdiction; or

22 (B) The county, if the proposed private club premises is
23 located in the unincorporated county, where the private club is proposed to
24 be opened or transferred.

25 ~~(2)(3)(A) If the~~ The governing body of the county or
26 ~~municipality approves by ordinance~~ city or county, as appropriate, may
27 express its support or disapproval of an application for a permit to operate
28 as a private club or to transfer the location of an existing private club
29 under subdivision (a)(1) of this section, by resolution of the governing
30 body.

31 (B) A governing body of a city or county that adopts a
32 resolution under subdivision (a)(3)(A) of this section shall immediately
33 provide a copy of the resolution to the director.

34 ~~(4) the~~ The Alcoholic Beverage Control Division may issue shall
35 consider a resolution enacted under subdivision (a)(3)(A) of this section
36 before issuing a permit to:

1 (A) operate Operate as a private club to the applicant for
2 the proposed new private club; or

3 (B) Transfer the location of an existing private club.

4 (5) The division shall not take action on an application under
5 subsection (a)(1) of this section until the earlier of:

6 (A) Sixty (60) days after the director provides notice
7 under subdivision (a)(2) of this section; or

8 (B) The date the director receives notice of the adoption
9 of a resolution by the governing body of a city or county under subdivision
10 (a)(3) of this section.

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12 SECTION 2. Arkansas Code § 3-9-222(e), concerning the procedure for
13 obtaining a permit for a private club, is amended to read as follows:

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

23 ~~(2) No license shall be issued by the~~ The director shall not
24 issue a permit until:

25 (A) The director has received notice of a resolution
26 adopted by a governing body under subdivision (a)(3) of this section; or

27 ~~(B) at least thirty (30)~~ At least sixty (60) days have
28 passed from the mailing by the director of the notices required by this
29 section.

30 (3) Upon receipt by the director within the ~~thirty (30)~~ sixty
31 (60) days of a protest against the issuance of a permit by a governing
32 official of the city or county to whom the notice of an application for a
33 permit has been mailed, the director shall not issue the ~~license~~ permit until
34 he or she has held a public hearing.

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36 /s/Slape