

**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.
Act 445 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1512

5 By: Representative Ledbetter
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For An Act To Be Entitled

9 AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL
10 BOARD TO ISSUE A LARGE-ATTENDANCE FACILITIES
11 PERMIT TO A PROFESSIONAL BASEBALL FACILITY; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE
15 CONTROL BOARD TO ISSUE A LARGE-
16 ATTENDANCE FACILITIES PERMIT TO A
17 PROFESSIONAL BASEBALL FACILITY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 3-9-202(8) is amended to read as follows:
24 3-9-202(8), pertaining to the definition of restaurant for alcoholic
25 beverage regulation purposes, is amended to read as follows:

26 (8) "Restaurant" means any public or private place:

27 (A) Kept, used, maintained, advertised, and held out to
28 the public or to a private or restricted membership as a place where complete
29 meals are served and where complete meals are actually and regularly served,
30 without sleeping accommodations, such place being provided with adequate and
31 sanitary kitchen and dining equipment and a seating capacity of at least
32 fifty (50) people and having employed therein a sufficient number and kind of
33 employees to prepare, cook, and serve suitable food for its guests or
34 members; at least one (1) meal per day shall be served and the place shall be
35 open a minimum of five (5) days per week, with the exception of holidays,



1 vacations, and periods of redecorating; or

2 (B)(i) Which qualifies as a "large meeting or attendance
 3 facility" which is hereby defined, without limitation, as a facility housing
 4 convention center activity, or tourism activity, or trade show and product
 5 display and related meeting activity, or any other similar large meeting or
 6 attendance activity, and, either itself or through one or more independent
 7 contractors, complies with all of the following:

8 (a) Actually serves full and complete meals
 9 and food on the premises;

10 (b) Has one (1) or more places for food
 11 service on premises with a seating capacity for not less than five hundred
 12 (500) people;

13 (c) Employs a sufficient number and kind of
 14 employees to serve meals and food on the premises capable of handling at
 15 least five hundred (500) people; and

16 (d) Serves alcoholic beverages on premises at
 17 one (1) or more places only on days that meals and food are served at one (1)
 18 or more places on premises.

19 (ii)(a) Any on-premises restaurant permittee as
 20 licensed by § 3-9-202(8)(A) and any hotel or motel on-premises permittee as
 21 licensed by § 3-9-202(9) shall be allowed to serve alcoholic beverages
 22 purchased under their permit at any large meeting or attendance facility
 23 which is licensed under this subdivision (8)(B). Hotel, motel, and restaurant
 24 permittees may serve alcoholic beverages purchased under their permit only
 25 when they have first secured written permission from the permittee of the
 26 large meeting or attendance facility. Otherwise alcoholic beverage service at
 27 the large meeting or attendance facility shall be from inventory purchased by
 28 the large meeting or attendance facility permittee.

29 (b) Written permission shall not be granted
 30 for more than a five-day period of time. The Alcoholic Beverage Control
 31 Division shall be given a copy of any such written agreement. Any violations
 32 which occur while such permission is being used shall lie against the hotel,
 33 motel, or restaurant using such permission.

34 (c) Any hotel, motel, or restaurant that
 35 serves its alcoholic beverages at a large meeting or attendance facility
 36 shall only do so pursuant to a satellite catering permit to be issued by the

1 Alcoholic Beverage Control Division for an annual fee of five hundred dollars
 2 (\$500) per fiscal year, or part thereof. The permit shall be applied for on
 3 forms as prescribed by the Alcoholic Beverage Control Board.

4 (d) The Alcoholic Beverage Control Board shall
 5 promulgate such regulations as it deems necessary to implement subdivisions
 6 (8)(B)(i)(a)-(c) of this section;

7 (iii) When a large attendance facilities permit has
 8 been issued to a government-owned facility located in a county which has a
 9 population of more than three hundred thousand (300,000) according to the
 10 1990 Federal Decennial Census, Arkansas-licensed beer wholesalers shall be
 11 allowed to pay for advertising devices used at the government-owned facility.
 12 Such advertising devices shall include items such as inside or outside signs,
 13 scoreboards, programs, scorecards, and the like. Provided, if such
 14 advertising by the beer wholesaler results in the formation or existence of
 15 an exclusive buying arrangement by the large attendance facilities permittee
 16 and the wholesaler who furnishes such items, then such exclusive buying
 17 arrangement will be a violation of the large attendance facilities permit and
 18 the wholesale beer permit involved even if such arrangements are caused by
 19 third parties. To the extent that ~~§ 3-5-314~~ § 3-5-214 or any other law
 20 could be interpreted to preclude such advertising arrangements allowed in
 21 this subdivision (8)(B)(iii), they are held inapplicable;

22 (iv)(a) When a large attendance facilities permit
 23 has been issued to a facility owned or operated by the owner of a
 24 professional sports team franchised by the National Association of
 25 Professional Baseball Leagues and within a county that has a population of
 26 more than three hundred thousand (300,000) according to the 2000 Federal
 27 Decennial Census, the operator of the facility may accept sponsorship funds,
 28 advertising items, or promotional items from licensed beer wholesalers.
 29 Promotional items shall include items used by the facility to promote
 30 attendance.

31 (b) However, if the use of sponsorship funds,
 32 advertising items, or promotional items by the beer wholesaler results in the
 33 formation or existence of an exclusive buying arrangement by the large
 34 attendance facilities permittee and the wholesaler who furnishes the
 35 sponsorship funds, advertising items, or promotional items, then the
 36 exclusive buying arrangement will be a violation of the large attendance

1 facilities permit and the wholesaler's wholesale beer permit even if the
2 arrangements are caused by third-parties.

3 (c) Section 3-5-214 or any other law that
4 could be interpreted to preclude arrangements to use the sponsorship funds,
5 advertising items, or promotional items allowed in this subdivision
6 (8)(B)(iv) shall not apply to this subdivision (8)(B)(iv);

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8 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly of the State of Arkansas that the ability of a professional
10 baseball facility to operate efficiently and effectively is hindered by
11 existing laws governing the sale and purchase of alcoholic beverages; that
12 baseball season will begin in a very short period of time; and that this act
13 is immediately necessary to enable professional baseball facilities to
14 immediately begin preparation for baseball season. Therefore, an emergency is
15 declared to exist and this act being immediately necessary for the
16 preservation of the public peace, health, and safety shall become effective
17 on:

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

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

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

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26 APPROVED: 03/02/2005
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