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Amendment to Section 1.34 Continuation of Permit Conditioned Upon Operation of Originally Proposed Business. Any permit issued by the Alcoholic Beverage Control Division shall remain valid only for use in the business described in the original application including any attachments, letters, statements, or testimony given at the hearing on such application. If no written business and/or entertainment plan was required by this agency at the time such permit was issued, then the business operation shall be defined as it has historically operated during the two (2) years immediately prior to the adoption of this regulation.

Permittees shall submit an amended entertainment plan for the Director's approval prior to implementing any material changes in the entertainment or business operations proposed in the original application or in the manner the business has historically operated. Private club permittees shall submit an ordinance from the governing body of the county or municipality in which the private club is located authorizing the proposed changes in entertainment or business operations.

The maintenance of such business operations shall be deemed a condition of the permittee's right to retain any permit. Any material change in the business operations proposed in the original application or in the manner the business has historically operated per above, without prior approval of the Director, shall be grounds for the revocation of any such permit. (Amended 8-17-05)

SUMMARY

Act 1112 of 2017 requires applicants for private club permits to obtain an ordinance from the municipality or county in which the club seeks to operate prior to filing an application with the ABC. This rule is being amended to ensure that private clubs remain compliant with the local ordinance authorizing their operations.

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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/27/17
A Bill

SENATE BILL 623

5 By: Senator E. Williams
6 *By: Representative Ballinger*
7

8 **For An Act To Be Entitled**

9 AN ACT TO AUTHORIZE THE GOVERNING BODIES OF COUNTIES
10 AND MUNICIPALITIES TO INITIATE THE PERMITTING PROCESS
11 FOR PRIVATE CLUBS; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 TO AUTHORIZE THE GOVERNING BODIES OF
16 COUNTIES AND MUNICIPALITIES TO INITIATE
17 THE PERMITTING PROCESS FOR PRIVATE CLUBS.
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) and (b), concerning the
23 procedure for obtaining a private club permit, are amended to read as
24 follows:

25 (a)(1) Application for a permit to operate as a private club may be
26 made to the ~~Director of the Alcoholic Beverage Control Division in accordance~~
27 ~~with the rules of the Alcoholic Beverage Control Board~~ governing body of the
28 county or municipality in which the private club seeks to be located.

29 (2) If the governing body of the county or municipality approves
30 by ordinance an application for a permit to operate as a private club under
31 subdivision (a)(1) of this section, the Alcoholic Beverage Control Division
32 may issue a permit to operate as a private club to the applicant for the
33 proposed location.

34 (b)(1) The application for a private club shall be submitted to the
35 division and accompanied by an annual permit fee of one thousand five hundred
36 dollars (\$1,500).



