

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H3/16/99 H3/25/99 S4/1/99*

# A Bill

Act 1371 of 1999  
HOUSE BILL 2184

5 By: Representative Haak  
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7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 3-9-202 TO DEFINE  
10 MEMBER OF A PRIVATE CLUB; AND FOR OTHER PURPOSES."

## Subtitle

13 "TO AMEND ARKANSAS CODE 3-9-202 TO DEFINE  
14 MEMBER OF A PRIVATE CLUB."

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

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19 SECTION 1. Arkansas Code 3-9-202(10) is amended to read as follows:

20 "(10) 'Private club' means a nonprofit corporation organized and  
21 existing under the laws of this state, no part of the net revenues of which  
22 shall inure directly or indirectly to the benefit of any of its members or any  
23 other individual, except for the payment of bona fide expenses of the club's  
24 operations, conducted for some common recreational, social, patriotic,  
25 political, national, benevolent, athletic, or other nonprofit object or  
26 purpose other than the consumption of alcoholic beverages. The nonprofit  
27 corporation shall have been in existence for a period of not less than one (1)  
28 year before application for a permit, as hereinafter prescribed. At the time  
29 of application for the permit, the nonprofit corporation must have not less  
30 than one hundred (100) members regularly paying annual dues of not less than  
31 five dollars (\$5.00) per member, and, at the time of application, must own or  
32 lease, or be the holder of a buy-sell agreement or offer and acceptance, or  
33 have an option to lease a building, property, or space therein for the  
34 reasonable comfort and accommodation of its members and their families and  
35 guests, and restrict the use of club facilities to such persons. For purposes  
36 of this subdivision, a person shall be required to become a member of the

1 private club in any wet area of the state only upon ordering an alcoholic  
2 beverage as defined under subdivision (3) of this section. Further, where such  
3 business entity that holds a private club permit additionally holds a retail  
4 beer permit, retail wine for consumption on the premises permit, or café or  
5 restaurant wine permit, the hours of operation authorized for the private club  
6 shall likewise apply to all permits of such business entity;"

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8 SECTION 2. All provisions of this act of a general and permanent nature  
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
10 Revision Commission shall incorporate the same in the Code.

11  
12 SECTION 3. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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18 SECTION 4. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

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21 SECTION 5. Emergency. It is hereby found and determined by the Eighty-  
22 Second General Assembly that the provisions of this Act are of critical  
23 importance to the State of Arkansas and its business community. The State of  
24 Arkansas is losing businesses to other states due to the restrictions imposed  
25 on selling liquor in wet counties. The provisions of this Act are necessary  
26 to ensure that the restaurant industry in Arkansas stays in Arkansas and  
27 expands its business in this state. Therefore, an emergency is declared to  
28 exist and this act being immediately necessary for the preservation of the  
29 public peace, health and safety shall become effective on the date of its  
30 approval by the Governor. If the bill is neither approved nor vetoed by the  
31 Governor, it shall become effective on the expiration of the period of time  
32 during which the Governor may veto the bill. If the bill is vetoed by the  
33 Governor and the veto is overridden, it shall become effective on the date the  
34 last house overrides the veto.

35 /s/ Haak

36 APPROVED: 4/12/1999