

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.

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

# A Bill

HOUSE BILL 1512

4  
5 By: Representative Ledbetter  
6  
7

## For An Act To Be Entitled

8  
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  
15 AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE  
16 CONTROL BOARD TO ISSUE A LARGE-  
17 ATTENDANCE FACILITIES PERMIT TO A  
18 PROFESSIONAL BASEBALL FACILITY.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

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,  
36 vacations, and periods of redecorating; or



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

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

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

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

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

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

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

33 (c) Any hotel, motel, or restaurant that  
 34 serves its alcoholic beverages at a large meeting or attendance facility  
 35 shall only do so pursuant to a satellite catering permit to be issued by the  
 36 Alcoholic Beverage Control Division for an annual fee of five hundred dollars

1 (\$500) per fiscal year, or part thereof. The permit shall be applied for on  
 2 forms as prescribed by the Alcoholic Beverage Control Board.

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

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

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

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

1 arrangements are caused by third-parties.

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

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

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

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

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