

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H2/19/13

A Bill

HOUSE BILL 1387

5 By: Representatives Payton, Miller, Alexander, Ballinger, Biviano, Clemmer, Dale, Davis, Deffenbaugh,
6 Dotson, Fite, Gossage, Hammer, Harris, Hobbs, Lea, Lowery, D. Meeks, S. Meeks, Rice, Scott,
7 Westerman, Womack
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For An Act To Be Entitled

10 AN ACT TO REQUIRE A PRIVATE CLUB PERMIT APPLICANT IN
11 A DRY TERRITORY TO OBTAIN THE APPROVAL OF THE CITY OR
12 COUNTY GOVERNING BODY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO REQUIRE A PRIVATE CLUB PERMIT
16 APPLICANT IN A DRY TERRITORY TO OBTAIN
17 THE APPROVAL OF THE CITY OR COUNTY
18 GOVERNING BODY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 3-9-222, concerning the issuance of a
25 private club permit in a dry territory, is amended to add an additional
26 subsection to read as follows:

27 (g)(1) As used in this section, "dry territory" means a county,
28 township, municipality, ward, or precinct of the state that voted to prohibit
29 the manufacture or sale of intoxicating liquor under §§ 3-8-201 – 3-8-203 and
30 3-8-205 – 3-8-209 or §§ 3-8-302 – 3-8-306;

31 (2)(A) An applicant for a private club permit in a dry territory
32 under this section must submit with the application:

33 (i) A resolution from the city governing body
34 authorizing the applicant to apply for a permit when the premises for which
35 the permit is to be issued are within the city limits; or

36 (ii) A resolution from the county quorum court



1 authorizing the applicant to apply for a permit when the premises for which
2 the permit is to be issued are outside a city but within the county.

3 (B) A city governing body or quorum court shall make a
4 finding of fact concerning each item listed in subdivision (g)(2)(C) of this
5 section in support of its:

6 (i) Determination that a resolution authorizing the
7 applicant to apply for a private club permit would serve public convenience
8 and advantage; or

9 (ii) Refusal to issue a resolution authorizing the
10 applicant to apply for a private club permit because the private club would
11 not serve public convenience and advantage.

12 (C) The city governing body or county quorum court shall:

13 (i) Consider each request for a resolution on an
14 individual basis; and

15 (ii) Include in its determination a consideration of
16 the following factors:

17 (a) The number of private clubs currently in
18 the dry territory;

19 (b) The likelihood of increased traffic or
20 traffic accidents at the requested location of the private club;

21 (c) The number and types of alcoholic beverage
22 permits within one-fourth (1/4) of a mile from the requested location of the
23 private club;

24 (d) The estimated economic impact of the
25 requested private club;

26 (e) The amount of available law enforcement to
27 serve the private club and the residents of the dry territory;

28 (f) The input of local law enforcement
29 concerning the effect on public peace of the requested private club; and

30 (g) Comments by the public concerning the
31 requested private club.

32 (D)(i) A de novo appeal of a final determination of the
33 city governing body or the quorum court to refuse to issue a resolution may
34 be made within thirty (30) days from the date of the denial to the circuit
35 court of the county in which the private club would be located.

36 (ii) The appeal shall be made under the same

1 procedure as an appeal in a civil action from a decision of an inferior
2 court.

3 (iii) The circuit court shall make a finding of fact
4 concerning each item listed in subdivision (g)(2)(C) of this section.

5 (iv) If the circuit court determines that the
6 private club would serve the public convenience and advantage, it shall issue
7 an order authorizing the applicant to apply for a private club permit.

8 (3) The director shall not accept an application under this
9 section that does not meet the requirements of subdivision (g)(2) of this
10 section.

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