

State of Arkansas *As Engrossed: H2/19/13 H2/26/13*

89th General Assembly

A Bill

Regular Session, 2013

HOUSE BILL 1387

By: Representatives Payton, Miller, Alexander, Ballinger, Biviano, Clemmer, Dale, Davis, Deffenbaugh,
Dotson, Fite, Gossage, Hammer, Harris, Hobbs, Lea, Lowery, D. Meeks, S. Meeks, Rice, Scott,
Westerman, Womack, *D. Douglas*
By: Senator E. Williams

For An Act To Be Entitled

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

Subtitle

TO REQUIRE A PRIVATE CLUB PERMIT
APPLICANT IN A DRY TERRITORY TO OBTAIN
THE APPROVAL OF THE CITY OR COUNTY
GOVERNING BODY.

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

SECTION 1. Arkansas Code § 3-9-222, concerning the issuance of a
private club permit in a dry territory, is amended to add an additional
subsection to read as follows:

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

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

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



1 (ii) A resolution from the county quorum court
2 authorizing the applicant to apply for a permit when the premises for which
3 the permit is to be issued are outside a city but within the county; or

4 (iii)(a) An affidavit of the applicant that the city
5 governing body or county quorum court has not made a finding of fact under
6 subdivision (g)(2)(B) of this section within sixty (60) days of the
7 applicant's petition.

8 (b) A copy of the applicant's petition to the
9 city governing body or county quorum court shall be attached to the
10 applicant's affidavit.

11 (B) A city governing body or quorum court may make a
12 finding of fact concerning each item listed in subdivision (g)(2)(C) of this
13 section in support of its:

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

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

20 (C) When making a finding of fact under subdivision
21 (g)(2)(B) of this section, the city governing body or county quorum court
22 shall:

23 (i) Consider each request for a resolution on an
24 individual basis; and

25 (ii) Include in its determination a consideration of
26 the following factors:

27 (a) The number of private clubs currently in
28 the dry territory;

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

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

34 (d) The estimated economic impact of the
35 requested private club;

36 (e) The amount of available law enforcement to

1 serve the private club and the residents of the dry territory;

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

4 (g) Comments by the public concerning the
5 requested private club.

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

10 (ii) The appeal shall be made under the same
11 procedure as an appeal in a civil action from a decision of an inferior
12 court.

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

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

18 (3) The director shall not accept an application under this
19 section that does not meet the requirements of subdivision (g)(2) of this
20 section.

21
22
23 /s/Payton
24
25
26
27
28
29
30
31
32
33
34
35
36