

1 State of Arkansas As Engrossed: H2/19/13 H2/26/13 H3/11/13

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1387

4
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, *Cozart, D. Douglas, Wren*
8 By: Senator E. Williams

For An Act To Be Entitled

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

Subtitle

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

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

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

28 (g)(1) As used in this section, "dry territory" means a county,
29 township, municipality, ward, or precinct of the state that voted to prohibit
30 the manufacture or sale of intoxicating liquor under §§ 3-8-201 – 3-8-203 and
31 3-8-205 – 3-8-209 or §§ 3-8-302 – 3-8-306.

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

34 (i) A resolution from the city governing body
35 authorizing the applicant to apply for a permit when the premises for which
36 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)(C) 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)(i) A city with a population greater than twenty-three
12 thousand (23,000) is not required to submit a resolution under subdivision
13 (g)(2)(A) of this section.

14 (ii) Population of a city shall be determined by the
15 most recent population figures established in a census by the Census Bureau
16 of the United States Department of Commerce.

17 (C) A city governing body or quorum court may make a
18 finding of fact concerning each item listed in subdivision (g)(2)(D) of this
19 section in support of its:

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

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

26 (D) When making a finding of fact under subdivision
27 (g)(2)(C) of this section, the city governing body or county quorum court
28 shall:

29 (i) Consider each request for a resolution on an
30 individual basis; and

31 (ii) Include in its determination a consideration of
32 the following factors:

33 (a) The number of private clubs currently in
34 the dry territory;

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

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

4 (d) The estimated economic impact of the
5 requested private club;

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

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

10 (g) Comments by the public concerning the
11 requested private club.

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

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

19 (iii) The circuit court shall make a finding of fact
20 concerning each item listed in subdivision (g)(2)(D) of this section.

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

24 (3) The director shall not accept an application under this
25 section that does not meet the requirements of subdivision (g)(2) of this
26 section.

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29 /s/Payton
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