

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1534

By: Representative Slape
By: Senator J. Sturch

For An Act To Be Entitled

AN ACT TO CLARIFY THE PROCEDURES FOR OBTAINING OR
TRANSFERRING A PERMIT FOR A PRIVATE CLUB; AND FOR
OTHER PURPOSES.

Subtitle

TO CLARIFY THE PROCEDURES FOR OBTAINING
OR TRANSFERRING A PERMIT FOR A PRIVATE
CLUB.

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

SECTION 1. Arkansas Code § 3-9-222(a), concerning the procedure for
obtaining a permit for a private club, is amended to read as follows:

(a)(1) Application for a permit to operate as a private club or to
transfer the location of an existing private club to a new location may be
made to the ~~governing body of the county or municipality in which the private~~
~~club seeks to be located~~ Director of the Alcoholic Beverage Control Division.

(2) Within ten (10) business days of receipt of an application
under subdivision (a)(1) of this section, the director shall provide a copy
of the application made to each member of the governing body of:

(A) The city, if the proposed private club premises is
located in a city or within a city's extraterritorial zoning jurisdiction; or

(B) The county, if the proposed private club premises is
located in the unincorporated county, where the private club is proposed to
be opened or transferred.

~~(2)(3)(A) If the~~ The governing body of the ~~county or~~



~~municipality approves by ordinance~~ city or county, as appropriate, may
express its support or disapproval of an application for a permit to operate
 as a private club or to transfer the location of an existing private club
 under subdivision (a)(1) of this section, by resolution of the governing
body.

(B) A governing body of a city or county that adopts a
resolution under subdivision (a)(3)(A) of this section shall immediately
provide a copy of the resolution to the director.

(4) the The Alcoholic Beverage Control Division ~~may issue~~ shall
consider a resolution enacted under subdivision (a)(3)(A) of this section
before issuing a permit to:

(A) operate Operate as a private club to the applicant for
 the proposed new private club; or

(B) Transfer the location of an existing private club.

(5) The division shall not take action on an application under
subsection (a)(1) of this section until the earlier of:

(A) Sixty (60) days after the director provides notice
under subdivision (a)(2) of this section; or

(B) The date the director receives notice of the adoption
of a resolution by the governing body of a city or county under subdivision
(a)(3) of this section.

SECTION 2. Arkansas Code § 3-9-222(e), concerning the procedure for
 obtaining a permit for a private club, is amended to read as follows:

(e)(1) Upon receipt by the director of written notice of an
 application for a permit, ~~written notice thereof,~~ which shall include a copy
 of the application, ~~the application shall immediately be mailed by the~~
 director shall immediately mail a copy of the application to the sheriff, the
 chief of police, if the premises are located within a city, and the
 prosecuting attorney of the locality in which the premises are situated, ~~and~~
~~city board of directors or other governing body of the city in which the~~
~~premises are situated if within an incorporated area. The provisions of this~~
~~section shall be retroactive to July 28, 1995.~~

~~(2) No license shall be issued by the~~ The director shall not
issue a permit until:

(A) The director has received notice of a resolution

1 adopted by a governing body under subdivision (a)(3) of this section; or
2 (B) at least thirty (30) At least sixty (60) days have
3 passed from the mailing by the director of the notices required by this
4 section.

5 (3) Upon receipt by the director within the ~~thirty (30)~~ sixty
6 (60) days of a protest against the issuance of a permit by a governing
7 official of the city or county to whom the notice of an application for a
8 permit has been mailed, the director shall not issue the ~~license~~ permit until
9 he or she has held a public hearing.