

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/7/19  
**A Bill**

HOUSE BILL 1534

By: Representatives Slape, *Wardlaw*

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)(A) 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.

(B) The governing body of a county or municipality shall adopt a resolution identifying whether the governing body wishes to:

(i) Review and either approve or deny applications for a permit to operate as a private club within the county or municipality at issue before the application is considered by the Director of the Alcoholic Beverage Control Division; or

(ii) Deliver all applications for a permit to operate as a private club within the county or municipality directly to the Director of the Alcoholic Beverage Control Division for his or her



consideration with no review or action by the governing body.

(C) The governing body shall provide a copy of the resolution adopted under subdivision (a)(1)(B) of this section to the division within thirty (30) days.

(D) A governing body of a county or municipality that opts to first review and approve or deny an application under subdivision (a)(1)(B)(i) of this section shall:

(i) Adopt a resolution signifying the governing body's decision to approve or deny an application for a permit prior to consideration of an application by the director; and

(ii) Provide a copy of the resolution adopted under subdivision (a)(1)(D)(i) of this section to the division within thirty (30) days.

(2) Within ten (10) business days of receipt of an application under subdivision (a)(1) of this section for a private club located in a county or municipality that has opted to permit direct application to the division under subdivision (a)(1)(B)(ii) 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 adopted by a governing body under subdivision (a)(3) of this section; or

~~(B) at least thirty (30)~~ At least sixty (60) days have passed from the mailing by the director of the notices required by this section.

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

/s/Slape