

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Flanagin**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT LOCAL OPTION ELECTIONS CONCERNING
9 THE SALE OF INTOXICATING LIQUORS SHALL BE HELD ON A
10 COUNTYWIDE BASIS ONLY AND IF AT SUCH ELECTION IN ANY
11 COUNTY A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE
12 ISSUE VOTE AGAINST THE MANUFACTURE OR SALE OF INTOXICATING
13 LIQUORS IN THE COUNTY THE MANUFACTURE OR SALE THEREOF
14 SHALL BE UNLAWFUL IN THE ENTIRE COUNTY; TO PROVIDE THAT IF
15 AT SUCH COUNTYWIDE ELECTION, A MAJORITY OF THE QUALIFIED
16 ELECTORS VOTE FOR THE MANUFACTURE OR SALE OF INTOXICATING
17 LIQUORS IN THE COUNTY, THE MANUFACTURE OR SALE OF
18 INTOXICATING LIQUORS SHALL BE LAWFUL IN THE ENTIRE COUNTY;
19 AND FOR OTHER PURPOSES."

Subtitle

21 "AN ACT TO PROVIDE THAT LOCAL OPTION ELECTIONS CONCERNING
22 THE SALE OF INTOXICATING LIQUORS SHALL BE HELD ON A
23 COUNTYWIDE BASIS ONLY."
24

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. (a) On and after the effective date of this act, all local
29 option elections held on the question of the manufacture or sale of
30 intoxicating liquors shall be conducted only on a countywide basis. All
31 elections shall be called and held in the manner currently prescribed by law
32 for countywide local option elections on the manufacture or sale of
33 intoxicating liquors.

34 (b) If the question of whether the manufacture or sale of intoxicating
35 liquors is submitted to the qualified electors of a county as provided by law

1 and a majority of the electors voting on the issue vote against the
2 manufacture or sale of such intoxicating liquors, the manufacture or sale
3 thereof shall be unlawful throughout the county. The Alcoholic Beverage
4 Control Board shall issue no new licenses or permits for the manufacture or
5 sale of such intoxicating liquors in the county and shall cancel all such
6 licenses or permits previously issued in the county.

7 (c)(1) If the question of whether the manufacture or sale of
8 intoxicating liquors is submitted to the qualified electors of a county as
9 provided by law and a majority of the qualified electors voting on the issue
10 vote for the manufacture or sale of such intoxicating liquors, the sale of
11 such intoxicating liquors shall be lawful in all areas of the county. The
12 Alcoholic Beverage Control Board is authorized to issue new permits and to
13 renew existing permits for the sale of such intoxicating liquors in any part
14 of the county as prescribed by law.

15 (2) The number of licenses or permits issued in any county shall
16 not exceed the number prescribed in Arkansas Code § 3-4-201.

17

18 SECTION 2. (a) Nothing contained in this act shall be construed to
19 limit or restrict the issuance of licenses and permits for the manufacture or
20 sale of intoxicating liquors in any portions of counties in which the
21 manufacture or sale thereof is legal on the effective date of this act unless
22 a countywide local option election is hereafter held in the county and a
23 majority of the qualified electors voting on the issue vote against the
24 manufacture or sale of intoxicating liquors in the entire county.

25 (b) Nothing contained herein shall be construed to repeal or modify the
26 provisions of Arkansas Code § 3-8-103.

27

28 SECTION 3. As used in this act, unless the context otherwise requires,
29 "intoxicating liquor" means any beverage containing more than one-half of one
30 percent (1/2 of 1%) of alcohol by weight.

31

32 SECTION 4. All provisions of this act of general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

35

1 SECTION 5. If any provisions of this act or the application thereof to
2 any person or circumstance is held invalid, the invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provisions or application, and to this end the provisions of this
5 act are declared to be severable.

6

7 SECTION 6. All laws and parts of laws in conflict with this act are
8 hereby repealed.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2