

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1813

4
5 By: Representative Mahony
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For An Act To Be Entitled

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9 AN ACT TO ALLOW CERTAIN RESIDENTS ANNEXED FROM A
10 DRY TOWNSHIP INTO A WET ADJOINING CITY TO REQUEST
11 A LOCAL OPTION ELECTION; WHICH AMENDS INITIATED
12 ACT 1 OF 1942; AND FOR OTHER PURPOSES.
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Subtitle

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15 AN ACT TO ALLOW CERTAIN RESIDENTS
16 ANNEXED FROM A DRY TOWNSHIP INTO A WET
17 ADJOINING CITY TO REQUEST A LOCAL OPTION
18 ELECTION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 3, Chapter 8, is amended to add an
24 additional subchapter, which amends Initiated Act 1 of 1942, as follows:

25 3-8-501. Definitions.

26 As used in this subchapter:

27 (1) "Dry" means that the manufacture, sale, barter, loan, or
28 giving away of intoxicating liquors is unlawful in a prescribed area;

29 (2) "Intoxicating liquors" means all beverages containing more
30 than one-half of one percent (0.5%) of alcohol by weight; and

31 (3) "Wet" means that the manufacture, sale, barter, loan, or
32 giving away of intoxicating liquors is lawful in a prescribed area.
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34 3-8-502. Local option elections in certain annexed areas.

35 (a)(1)(A) If an area meets the qualifications provided in subdivision
36 (a)(1)(B) of this section, the residents of the area may petition the county



1 clerk of the county for a local option election to determine whether
 2 intoxicating liquors shall be manufactured, sold, bartered, loaned, or given
 3 away within the area.

4 (B) An area qualifies to hold a local option election
 5 under this subchapter if:

6 (i) The area has been annexed from a dry township
 7 into a wet contiguous and adjoining city or incorporated town;

8 (ii) The annexed area is separated from the
 9 remainder of the dry township by a four-lane divided highway; and

10 (iii) A nonbinding election was held between
 11 November 1, 2004, and January 1, 2005, in the annexed area on the issue of
 12 whether intoxicating liquors may be manufactured, sold, bartered, loaned, or
 13 given away within the annexed area.

14 (2) The petition requesting a local option election shall be
 15 prepared in the manner provided by § 3-8-204.

16 (3)(A) When fifteen percent (15%) of the qualified electors of
 17 the annexed area, as shown on county voter registration records, sign a
 18 petition requesting a local option election, the county clerk shall determine
 19 the sufficiency of the petition within ten (10) days of the filing of the
 20 petition.

21 (B) If the county clerk verifies that fifteen percent
 22 (15%) of the qualified electors of the annexed area have signed the petition,
 23 the county clerk shall certify that finding to the county board of election
 24 commissioners.

25 (C) The question shall be placed upon the ballot in the
 26 annexed area at the next biennial November general election as provided in §
 27 3-8-101.

28 (D) Any appeal of the order of the county court shall be
 29 taken in the manner provided by § 3-8-205 (c) - (e).

30 (4)(A) The election shall be conducted in the manner provided by
 31 Arkansas Code § 3-8-206(a) - (b).

32 (B) Upon petition of fifteen percent (15%) of the
 33 interested legal voters in the annexed area, within ten (10) days after the
 34 date of the election, the county board of election commissioners shall
 35 immediately recount the votes and declare the result of the election as
 36 determined by the recount.

1 (C) Within twenty (20) days after the election, the county
2 court shall make and enter of record its order declaring the result of the
3 election.

4 (D) The costs of any elections held under this subchapter
5 shall be paid by the county in the same manner as other costs of general
6 elections.

7 (5) Upon petition of fifteen percent (15%) of the interested
8 legal voters in the annexed area, filed with the circuit clerk of the county
9 in which proceedings are pending, the circuit court shall immediately by
10 mandamus compel the county court or other officials to perform the duties
11 imposed upon them under this subchapter.

12 (b)(1) If, at the local option election, a majority of the electors of
13 the annexed area vote for the manufacture or sale of intoxicating liquors,
14 the Director of the Alcoholic Beverage Control Division may issue licenses or
15 permits for the manufacture or sale of intoxicating liquors within the
16 annexed area.

17 (2) If a majority of the electors of the annexed area vote
18 against the manufacture and sale of intoxicating liquors, it shall be
19 unlawful for the Director of the Alcoholic Beverage Control Division or any
20 other county or municipal official to issue any license or permit for the
21 manufacture, sale, barter, loan, or giving away of any intoxicating liquors
22 until the prohibition shall be repealed by a majority vote as provided for by
23 this subsection.

24 (3) At least four (4) years shall elapse before another local
25 option election may be held in the annexed area.

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