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	As Engrossed: H2/24/05		
2	85th General Assembly	A Bill		
3	Regular Session, 2005 HOUSE BI		HOUSE BILL	1813
4				
5	By: Representative Mahony			
6				
7				
8		For An Act To Be Entitled		
9	AN ACT TO ALLOW CERTAIN RESIDENTS ANNEXED FROM A			
10	DRY TOW	NSHIP INTO A WET ADJOINING CITY TO REQU	UEST	
11	A LOCAI	OPTION ELECTION; WHICH AMENDS INITIAT	ED	
12	ACT 1 0	OF 1942; AND FOR OTHER PURPOSES.		
13				
14		Subtitle		
15	AN A	ACT TO ALLOW CERTAIN RESIDENTS		
16	ANNE	EXED FROM A DRY TOWNSHIP INTO A WET		
17	ADJO	DINING CITY TO REQUEST A LOCAL OPTION		
18	ELEC	CTION.		
19				
20				
21	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKANS	SAS:	
22				
23	SECTION 1. Ark	ansas Code Title 3, Chapter 8, is amend	led to add an	
24	additional subchapter, which amends Initiated Act 1 of 1942, as follows:			
25	<u>3-8-501. Defini</u>	tions.		
26	<u>As used in this</u>	subchapter:		
27	<u>(</u>]) "Dry	" means that the manufacture, sale, bar	ter, loan, or	
28	<u>giving away of intoxi</u>	cating liquors is unlawful in a prescri	lbed area;	
29	<u>(</u> 2) "Int	oxicating liquors" means all beverages	containing mo	re
30	than one-half of one	percent (0.5%) of alcohol by weight; an	<u>1d</u>	
31	<u>(</u> 3) "Wet	" means that the manufacture, sale, bar	ter, loan, or	
32	<u>giving away of intoxi</u>	cating liquors is lawful in a prescribe	ed area.	
33				
34	<u>3-8-502. Local</u>	option elections in certain annexed ar	<u>ceas.</u>	
35	<u>(a)(l)(A) If a</u>	n area meets the qualifications provide	<u>d in subdivis</u>	ion
36	<u>(a)(l)(B) of this sec</u>	tion, the residents of the area may pet	ition the cou	nty



As Engrossed: H2/24/05

HB1813

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 thirty-eight percent (38%) of the qualified electors		
17	of 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 thirty-eight percent		
22	(38%) 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	<u>3-8-101.</u>		
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	<u>Arkansas Code § 3-8-206(a) - (b).</u>		
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.		

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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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27	/s/ Mahony
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