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 H3/9/05		
2	85th General Assembly	A Bill		
3	Regular Session, 2005		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 TO	WNSHIP INTO A WET ADJOINING CITY TO	REQUEST	
11	A LOCA	L OPTION ELECTION; WHICH AMENDS INIT	IATED	
12	ACT 1	OF 1942; AND FOR OTHER PURPOSES.		
13				
14		Subtitle		
15	AN A	ACT TO ALLOW CERTAIN RESIDENTS		
16	ANN	EXED FROM A DRY TOWNSHIP INTO A WET		
17	ADJ	OINING CITY TO REQUEST A LOCAL OPTIO	N	
18	ELE	CTION.		
19				
20				
21	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARE	KANSAS:	
22				
23	SECTION 1. Ark	kansas Code Title 3, Chapter 8, is an	mended to add an	
24	additional subchapter	r, which amends Initiated Act 1 of 19	942, as follows:	
25	3-8-501. Defini	itions.		
26	As used in this	s subchapter:		
27	(1) "Dry	y" means that the manufacture, sale,	barter, loan, or	· -
28	giving away of intoxi	icating liquors is unlawful in a pres	scribed area;	
29	<u>(2) "Int</u>	toxicating liquors" means all beverag	ges containing mo	re
30	than one-half of one	percent (0.5%) of alcohol by weight	; and	
31	<u>(3) "Wet</u>	" means that the manufacture, sale,	barter, loan, or	=
32	giving away of intoxi	icating liquors is lawful in a prescr	ribed area.	
33				
34	3-8-502. Local	l option elections in certain annexed	d areas.	
35	<u>(a)(1)(A) If a</u>	an area meets the qualifications prov	vided in subdivis	ion
36	(a)(1)(B) of this sec	ction, the residents of the area may	petition the cou	ntv

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T	cierk of the county for a local option election to determine whether off-	
2	premises retail beer permits and off-premises Arkansas native wine retail	
3	permits shall be issued within the annexed 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.	

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 section.		
12	(b)(1) If, at the local option election, a majority of the electors of		
13	the annexed area vote for the issuance of off-premises retail beer permits		
14	and off-premises Arkansas native wine retail permits within the annexed area		
15	the Director of the Alcoholic Beverage Control Division may issue off-		
16	premises retail beer permits and off-premises Arkansas native wine retail		
17	permits within the annexed area.		
18	(2) If a majority of the electors of the annexed area vote		
19	against the issuance of off-premises retail beer permits and off-premises		
20	Arkansas native wine retail permits, it shall be unlawful for the Director o		
21	the Alcoholic Beverage Control Division or any other county or municipal		
22	officer to issue any off-premises retail beer permit or off-premises Arkansas		
23	native wine retail permit until the prohibition shall be repealed by a		
24	majority vote as provided for by this section.		
25	(3) At least four (4) years shall elapse before another local		
26	option election may be held in the annexed area.		
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28	/s/ Mahony		
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