

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
4

As Engrossed: H2/24/05 H3/9/05

A Bill

HOUSE BILL 1813

5 By: Representative Mahony
6
7

For An Act To Be Entitled

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.
13

Subtitle

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.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

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 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 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.

