

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: S3/7/23

# A Bill

SENATE BILL 201

5 By: Senator J. English  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING LOCAL OPTION  
9 ELECTIONS IN DEFUNCT TOWNSHIPS THAT RESULTED FROM  
10 INITIATED ACT 1 OF 1942; TO PROVIDE THAT AN AREA  
11 WITHIN A DEFUNCT TOWNSHIP THAT IS PARTIALLY OR  
12 TOTALLY ANNEXED INTO A WET CITY OR TOWN *MAY HOLD A*  
13 *SPECIAL LOCAL OPTION ELECTION CALLED BY THE GOVERNING*  
14 *BODY OF THE ANNEXING CITY OR TOWN FOR THE ISSUANCE OF*  
15 *PERMITS FOR OFF-PREMISES ALCOHOLIC BEVERAGES*; TO  
16 PROVIDE THAT AN ANNEXED AREA WITHIN A DEFUNCT  
17 TOWNSHIP HAS ALL TIES TO THE DEFUNCT TOWNSHIP RELATED  
18 TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES  
19 SEVERED *IF THE SPECIAL LOCAL OPTION ELECTION RESULTS*  
20 *IN THE APPROVAL OF THE ISSUANCE OF PERMITS FOR OFF-*  
21 *PREMISES ALCOHOLIC BEVERAGES*; AND FOR OTHER PURPOSES.  
22  
23

## Subtitle

24 TO AMEND THE LAW REGARDING LOCAL OPTION  
25 ELECTIONS IN DEFUNCT TOWNSHIPS THAT  
26 RESULTED FROM INITIATED ACT 1 OF 1942.  
27  
28  
29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
31

32 SECTION 1. Arkansas Code § 3-8-601, concerning definitions applicable  
33 to the law on local option elections, is amended to add additional  
34 subdivisions to read as follows:

35 (10) "Alcoholic beverages" means all beverages containing more  
36 than one-half of one percent (0.5%) of alcohol by weight; and



(11) "Defunct township" means a township that:

(A) Has been partially or totally annexed by one (1) or more municipalities; and

(B) No longer has governmental powers.

SECTION 2. Arkansas Code Title 3, Chapter 8, Subchapter 6, is amended to add an additional section to read as follows:

3-8-603. Defunct township.

(a)(1) The governing body of a wet city or wet incorporated town that has annexed all or a portion of a defunct township under Title 14, Chapter 40, that had previously voted dry, in addition to all other local option election options, may adopt an ordinance to hold a one-time special local option election within the boundaries of the annexed area within the defunct township only to provide the citizens in that annexed area an opportunity to retain the rights and privileges of the inhabitants of the annexing city or annexing incorporated town related to the issuance of permits for the sale of alcoholic beverages for off-premises consumption.

(2) The election process for a special local option election for the annexed area within a defunct township under subdivision (a)(1) of this section shall be conducted under § 3-8-201 et seq.

(b) After a special local option election under subsection (a) of this section in which the majority of qualified voters vote for the issuance of permits for the sale of alcoholic beverages for off-premises consumption, the annexed area within a defunct township described under subsection (a) of this section shall:

(1) Have all ties to the defunct township related to local option status for the manufacture or sale of alcoholic beverages severed; and

(2) Retain the rights and privileges of the inhabitants of the annexing city or annexing incorporated town related to the manufacture or sale of alcoholic beverages.

SECTION 3. DO NOT CODIFY. RETROACTIVITY. This act applies retroactively to all defunct townships annexed into a city or incorporated town before the effective date of this act.

/s/J. English