

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.

Act 1258 of the Regular Session

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

A Bill

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

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.
13

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



1 (a)(1)(B) of this section, the residents of the area may petition the county
2 clerk of the county for a local option election to determine whether off-
3 premises retail beer permits and off-premises Arkansas native wine retail
4 permits shall be issued within the annexed area.

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

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

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

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

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

17 (3)(A) When thirty-eight percent (38%) of the qualified electors
18 of the annexed area, as shown on county voter registration records, sign a
19 petition requesting a local option election, the county clerk shall determine
20 the sufficiency of the petition within ten (10) days of the filing of the
21 petition.

22 (B) If the county clerk verifies that thirty-eight percent
23 (38%) of the qualified electors of the annexed area have signed the petition,
24 the county clerk shall certify that finding to the county board of election
25 commissioners.

26 (C) The question shall be placed upon the ballot in the
27 annexed area at the next biennial November general election as provided in §
28 3-8-101.

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

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

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

1 determined by the recount.

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

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

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

13 (b)(1) If, at the local option election, a majority of the electors of
14 the annexed area vote for the issuance of off-premises retail beer permits
15 and off-premises Arkansas native wine retail permits within the annexed area,
16 the Director of the Alcoholic Beverage Control Division may issue off-
17 premises retail beer permits and off-premises Arkansas native wine retail
18 permits within the annexed area.

19 (2) If a majority of the electors of the annexed area vote
20 against the issuance of off-premises retail beer permits and off-premises
21 Arkansas native wine retail permits, it shall be unlawful for the Director of
22 the Alcoholic Beverage Control Division or any other county or municipal
23 officer to issue any off-premises retail beer permit or off-premises Arkansas
24 native wine retail permit until the prohibition shall be repealed by a
25 majority vote as provided for by this section.

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

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29 /s/ Mahony

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32 APPROVED: 3/29/2005

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