

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/8/99 H3/9/99

A Bill

Act 857 of 1999
SENATE BILL 356

5 By: Senators Dowd, Everett, *Bearden, Mahony*
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 3-3-210 TO ALLOW
10 CITIES AND COUNTIES TO AUTHORIZE SUNDAY SALES OF
11 ALCOHOLIC BEVERAGES BY LOCAL ORDINANCE; AND FOR OTHER
12 PURPOSES. "
13

Subtitle

14 "TO ALLOW CITIES AND COUNTIES TO
15 AUTHORIZE SUNDAY SALES OF ALCOHOLIC
16 BEVERAGES BY LOCAL ORDINANCE. "
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 3-3-210 is amended to read as follows:

23 "3-3-210. Sale on Sunday or early weekday mornings.

24 (a) Any person who shall sell intoxicating alcoholic liquor on Sunday,
25 except as such sales are authorized by § 3-9-215 and § 3-9-401 et seq., or
26 between 1:00 a.m. and 7:00 a.m. on week days shall be guilty of a misdemeanor
27 and for the first offense be punishable by a fine of not less than one hundred
28 dollars (\$100) nor more than two hundred fifty dollars (\$250), and for the
29 second and subsequent offenses he shall be guilty of a misdemeanor and
30 punishable by a fine of not less than two hundred fifty dollars (\$250) nor
31 more than five hundred dollars (\$500) or by imprisonment in the county jail
32 for not less than ten (10) days nor more than six (6) months, or both so fined
33 and imprisoned in the discretion of the court or jury.

34 (b) As a further exception to the Sunday sales prohibition set out
35 above, counties and cities in the state in which the sale of alcoholic
36 beverages is authorized may, by the adoption of an ordinance by the county

1 quorum court or city board, or other governing body, refer to the voters at an
2 election the issue of whether or not to authorize the sale of alcoholic
3 beverages on Sundays between the hours of 12:00 noon and 10:00 p.m., or within
4 a lesser period within such hours as may be provided in the ordinance. The
5 Sunday sale of alcoholic beverages as authorized herein shall be limited to
6 those businesses within such county or city which possess a current and valid
7 license for the sale of alcoholic beverages issued by the Arkansas Alcoholic
8 Beverage Control Division. The election shall be conducted on a city-wide or
9 county-wide basis. All qualified electors within the city or county, as the
10 case may be, shall be eligible to vote even though they may reside in a dry
11 area thereof. The election on the Sunday sales question shall be held in
12 accordance with the procedures established for on-premises consumption
13 elections by Ark. Code §3-9-201 et seq. and the ballot for such election shall
14 be printed substantially as follows:

15 () FOR THE SALE FOR ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME OF CITY OR
16 COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.

17 () AGAINST THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME OF CITY OR
18 COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.

19 The vote of the majority of the electors in a city-wide election approving
20 Sunday sales shall authorize such sales in all permitted outlets located
21 within the incorporated areas of such city only. The vote of the majority of
22 the electors in a county-wide election approving Sunday sales shall authorize
23 such sales in all permitted outlets located anywhere within such county. The
24 vote of the majority of the electors against the sale of alcoholic beverages
25 on Sunday will have no effect on any area which had previously approved Sunday
26 sales of mixed drinks in hotels and restaurants as authorized by Ark. Code §3-
27 9-215.

28 (c) Notwithstanding the authority granted to counties and cities
29 herein, wholesale distributors of intoxicating alcoholic liquor may not sell
30 or deliver any alcoholic beverages to retailers on a Sunday."

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32 SECTION 2. All provisions of this act of a general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

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36 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 4. All laws and parts of laws in conflict with this act are
7 /s/ Dowd, et al

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10 APPROVED: BECAME LAW ON 3/25/1999, WITHOUT THE GOVERNOR'S SIGNATURE.
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