

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/7/23 S3/29/23
A Bill

SENATE BILL 201

By: Senator J. English
By: Representative K. Brown

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING LOCAL OPTION ELECTIONS IN DEFUNCT TOWNSHIPS THAT RESULTED FROM INITIATED ACT 1 OF 1942; TO PROVIDE THAT AN AREA WITHIN A DEFUNCT TOWNSHIP THAT IS PARTIALLY ANNEXED INTO A WET CITY MAY HOLD A LOCAL OPTION ELECTION CALLED BY PETITIONING OF THE RESIDENTS OF THE ANNEXED AREA FOR THE ISSUANCE OF PERMITS FOR OFF-PREMISES ALCOHOLIC BEVERAGES; TO PROVIDE THAT AN ANNEXED AREA WITHIN A DEFUNCT TOWNSHIP HAS ALL TIES TO THE DEFUNCT TOWNSHIP RELATED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES SEVERED IF THE LOCAL OPTION ELECTION RESULTS IN THE APPROVAL OF THE ISSUANCE OF PERMITS FOR OFF-PREMISES ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING LOCAL OPTION ELECTIONS IN DEFUNCT TOWNSHIPS THAT RESULTED FROM INITIATED ACT 1 OF 1942.

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

SECTION 1. DO NOT CODIFY. TEMPORARY LANGUAGE. Defunct townships.

(a) As used in this section:

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



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

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

(B) No longer has governmental powers.

(b)(1) A wet city that has annexed 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 hold a one-time 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 related to the issuance of permits for the sale of alcoholic beverages for off-premises consumption.

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

(B) A local option election under this section shall be called by a petition signed by the registered voters in the annexed area in a number equal to thirty-eight percent (38%) of the registered voters in the annexed area.

(c) After a local option election under subsection (b) 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 (b) 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.

(d) This section is:

(1) Temporary; and

(2) An exception to existing law related to local option elections for alcoholic beverages.

(e)(1) This section shall expire on December 31, 2024.

(2) The expiration of this section shall not affect rights acquired under it or affect suits then pending.

SECTION 2. DO NOT CODIFY. RETROACTIVITY – APPLICABILITY.

(a) This act applies retroactively to defunct township areas annexed into a wet city before the effective date of this act only to the extent necessary to authorize permits for the sale of alcoholic beverages for off-premises consumption after approval at a local option election called under Section 1 of this act.

(b) This act shall apply only to a wet city of the first class with a mayor-council form of government that is contiguous to an active-duty United States Air Force military installation.

/s/J. English