

1 State of Arkansas *As Engrossed: S3/7/23 S3/29/23*

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 201

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5 By: Senator J. English

6 *By: Representative K. Brown*

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For An Act To Be Entitled

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

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Subtitle

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

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

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

34 (a) As used in this section:

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



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

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

4 (B) No longer has governmental powers.

5 (b)(1) A wet city that has annexed a portion of a defunct township
6 under Title 14, Chapter 40, that had previously voted dry, in addition to all
7 other local option election options, may hold a one-time local option
8 election within the boundaries of the annexed area within the defunct
9 township only to provide the citizens in that annexed area an opportunity to
10 retain the rights and privileges of the inhabitants of the annexing city
11 related to the issuance of permits for the sale of alcoholic beverages for
12 off-premises consumption.

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

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

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

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

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

30 (d) This section is:

31 (1) Temporary; and

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

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

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

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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

APPROVED: 4/11/23