

State of Arkansas

83rd General Assembly

Regular Session, 2001

# A Bill

HOUSE BILL 1953

By: Representatives Jacobs, McMellon, Cowling, C. Taylor, Mack, Creekmore, Hathorn, Oglesby, Prater, Green, Stovall, Rankin, Bevis, Jackson, Bolin, Carson, Weaver, Eason, Milligan, Gillespie  
By: Senators P. Malone, Beebe, Fitch, Gullett, Horn, T. Smith, Faris, J. Jeffress, Trusty, Critcher, Bisbee, Webb, Wooldridge, Cash, Mahony

## For An Act To Be Entitled

AN ACT TO PROHIBIT A PERSON FROM PROFITING FROM  
SPONSORSHIP OF AN INITIATIVE, REFERENDUM, OR  
CONSTITUTIONAL AMENDMENT WHICH PROPOSES THE SALE OF  
COUNTY OR MUNICIPAL PROPERTY; AND FOR OTHER PURPOSES.

## Subtitle

TO PROHIBIT A PERSON FROM PROFITING FROM  
SPONSORSHIP OF AN INITIATIVE,  
REFERENDUM, OR CONSTITUTIONAL AMENDMENT  
WHICH PROPOSES THE SALE OF COUNTY OR  
MUNICIPAL PROPERTY.

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

### SECTION 1. Definitions.

#### For purposes of this act:

(1) "Act" means an enactment having general application throughout the state or an ordinance applicable to a municipality or county and enacted by legislative authority or by the people;

(2) "Amendment" means any proposed amendment to the Constitution of Arkansas, whether proposed under the provisions of Amendment 7 or Article 19, Section 22 of the Constitution of Arkansas';

(3) "Election" means a general election at which state and county officers are elected for regular terms;

1       (4) "Initiative petitions" means a form of petition which conforms to  
 2 the requirements of Arkansas Code 7-9-104;

3       (5) "Measure" means either an amendment or an act;

4       (6) "Property" means both real and personal property and includes, but  
 5 is not limited to, both tangible and intangible property;

6       (7) "Referendum petition" means a form of petition which conforms to  
 7 the requirements of Arkansas Code 7-9-105; and

8       (8) "Sponsor" means a person or persons who arrange for the circulation  
 9 of initiative, referendum, or constitutional amendment petitions or who files  
 10 an initiative, referendum, or constitutional amendment with the Secretary of  
 11 State or other authorized recipient of the petitions.

## 12 13       SECTION 2. Prohibition of profit.

14       (a) No person who is a sponsor of an initiative petition, referendum  
 15 petition, or constitutional amendment which proposes the sale of property  
 16 owned by a municipality or county shall receive anything of value as a result  
 17 of the passage of the act sponsored by the person.

18       (b) A sponsor of an initiative petition, referendum petition, or  
 19 constitutional amendment which proposes the sale of property owned by a  
 20 municipality or county shall, within sixty (60) calendar days of the election  
 21 at which the initiative, referendum, or constitutional amendment has been  
 22 voted upon, file with the Secretary of State an accounting of all expenditures  
 23 by the sponsor in connection with the petition or amendment.

24       (c) No person shall directly or indirectly benefit from sponsorship of  
 25 a petition or amendment which proposes the sale of property owned by a  
 26 municipality or county by contracting sponsorship activities to any business  
 27 enterprise in which the sponsor has a substantial interest.

28       (d) Nothing in this act shall prohibit the circulation of petitions or  
 29 compensation to persons who circulate the petitions.

## 30 31       SECTION 3. Penalty.

32       (a)(1) If a sponsor violates any provision of section 2 of this act,  
 33 the sponsor shall be fined an amount equal to twice the amount of the person's  
 34 personal gain.

35       (2) The fine shall be paid to the state, municipality, or county  
 36 in which the petition or amendment was voted upon.

1        (b) This act shall be enforced by:

2                (1) The city attorney of the municipality;

3                (2) The prosecuting attorney of the county; or

4                (3) The Attorney General of this state.

5        (c) The expense reports filed by the sponsor of the petition shall be  
6 subject to the Freedom of Information Act of 1967.