

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Rules Committee**

Call Item 41
A Bill ACT 43 OF 1992
HOUSE BILL 1021

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 19-1-303 RELATING TO FISCAL
9 IMPACT STATEMENTS ON BILLS WHICH IMPOSE NEW OR ADDITIONAL
10 COSTS ON COUNTIES OR MUNICIPALITIES; AND FOR OTHER
11 PURPOSES."

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

15 SECTION 1. Arkansas Code 19-1-303 is hereby amended to read as follows:

16 "19-1-303. Bills imposing new or additional costs on municipality or
17 county.

18 (a) (1) Any bill filed with the Senate that requires an expenditure of
19 public funds by a municipality or county, or otherwise imposes a new or
20 increased cost obligation on any municipality or county, shall have a fiscal
21 impact statement attached to it, prepared by the author of the bill and filed
22 with the bill at the time of its introduction. A copy of such fiscal impact
23 statement shall be placed on the desk of each member of the Senate committee
24 to which the bill is referred before the bill may be called up for final
25 action in the committee. A copy of it shall also be placed on the desk of each
26 member of the Senate before a final vote may be taken on it for final passage.

27 (2) If the author of any Senate or House bill affected by this section
28 shall fail to file a fiscal impact statement, any member of the Senate
29 committee to which the bill is referred may object to it being called up for
30 final action in the committee until a fiscal impact statement is made
31 available to the committee. If such objection is made by a member of the
32 Senate committee, the chairman of the committee shall refer the bill to the
33 appropriate state agency or to the legislative staff for the preparation of a
34 fiscal impact statement, to be returned to the committee in writing not later
35 than five (5) days from the date of the request.

36 (3) If any such Senate or House bill is called up for final passage in

1 the Senate and a fiscal impact statement has not been provided by the author
2 of the bill, or by the committee to which the bill was referred, any member of
3 the Senate may object to the bill being called up for final passage until a
4 fiscal impact statement is prepared and made available on the desk of each
5 member of the Senate at least one (1) day prior to the bill being called up
6 for final passage. If such an objection is made, the presiding officer of the
7 Senate shall cause the bill to be referred to the appropriate state agency or
8 to the designated legislative staff for the preparation of a fiscal impact
9 statement, which shall be filed in writing with the Senate not later than five
10 (5) days from the date of the request.

11 (b) (1) When any House or Senate bill requiring an expenditure of
12 public funds or otherwise imposing a new or increased cost obligation on any
13 municipality or county is pending before any committee of the House of
14 Representatives, any member of the committee may request that a fiscal impact
15 statement for such bill be placed on the desk of each member of the committee
16 before the bill is called up for final action in the committee. If such
17 request is made, the chairman of the committee shall refer the bill to the
18 appropriate state agency or to the legislative staff for the preparation of a
19 fiscal impact statement, to be returned to the committee in writing not later
20 than five (5) days from the date of the request.

21 (2) Any time before such bill is read the third time in the House
22 of Representatives, a member of the House may request that a fiscal impact
23 statement for the bill be prepared and placed on the desk of each member.
24 When a member of the House of Representatives so requests a fiscal impact
25 statement on any bill, the Speaker shall furnish the member a fiscal impact
26 statement signature form which shows the number of the bill for which the
27 statement is requested and the date and time the request was made. If the
28 member returns the form containing the signature of the requesting member and
29 the signatures of at least nine (9) other House members within thirty (30)
30 minutes of the time shown on the form, the fiscal impact statement shall be
31 prepared and placed on the desk of each member of the House before the bill is
32 read the third time.

33 (3) If a bill is called up for final passage in the House of
34 Representatives and a fiscal impact statement has not been provided for the
35 bill, any member of the House in which the bill is being considered may move

1 that a final vote on the passage of the bill be delayed until a fiscal impact
2 statement is prepared and made available on the desk of each member of the
3 House at least one (1) full day prior to the bill being called up for final
4 passage. If such motion is made and is adopted by a majority vote of the
5 membership of the House, the Speaker of the House shall cause the bill to be
6 referred to the appropriate state agency or to the designated legislative
7 staff for the preparation of a fiscal impact statement, which shall be filed
8 with the House within five (5) days of the date of the request.

9 (c) Failure of the sponsor of a bill to provide the fiscal impact
10 statement required in this section shall not prohibit the consideration of it
11 in the committee to which referred or on the floor of the house in which the
12 bill is called up for final passage, if no objection to it is made at the time
13 such action is taken.

14 (d) Nothing in this section shall prohibit a committee to which a bill is
15 referred or the house in which the bill is being considered from suspending
16 the requirement of the filing of a fiscal impact statement on any such bill in
17 the same manner as provided for the suspension of the rules in the house in
18 which the bill is being considered.

19 (e) Copies of fiscal impact statements prepared in compliance with the
20 provisions of this section shall be made available, upon request for them, to
21 representatives of municipal or county governments. A fiscal impact statement
22 filed or prepared in compliance with this section is declared to be a public
23 record within the meaning of the Freedom of Information Act of 1967, §
24 25-19-101 et seq.

25 (f) For the purposes of this section, the term fiscal impact
26 statement means a realistic statement of the estimated financial cost to
27 municipalities or counties of implementing or complying with a proposed law
28 and regulations promulgated under it."

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

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34 SECTION 3. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 APPROVED: 3-17-92

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