

1 State of Arkansas
2 93rd General Assembly
3 Fiscal Session, 2022

SR 3

4
5 By: Senators Rice, Hickey, Irvin, Beckham, L. Chesterfield, J. Dismang, Elliott, J. English, Flippo,
6 Gilmore, Hill, K. Ingram, G. Leding, B. Sample

7
8 **SENATE RESOLUTION**

9 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
10 BILL TO REQUIRE A FISCAL IMPACT STATEMENT FOR ANY
11 PROPOSED LEGISLATION IMPOSING A NEW OR INCREASED COST
12 OBLIGATION FOR HEALTH BENEFIT PLANS, INCLUDING
13 PHARMACY BENEFITS, ON AN ENTITY OF THE STATE.

14
15
16 **Subtitle**

17 TO AUTHORIZE A NONAPPROPRIATION BILL TO
18 REQUIRE A FISCAL IMPACT STATEMENT FOR ANY
19 PROPOSED LEGISLATION IMPOSING A NEW OR
20 INCREASED COST OBLIGATION FOR HEALTH
21 BENEFIT PLANS, INCLUDING PHARMACY
22 BENEFITS, ON AN ENTITY OF THE STATE.

23
24
25 BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE
26 STATE OF ARKANSAS:

27
28 THAT Representative Dotson or Representative Wardlaw is authorized to
29 introduce a bill which as introduced will read substantially as follows:

30
31 "Title
32 AN ACT TO REQUIRE A FISCAL IMPACT STATEMENT FOR ANY PROPOSED LEGISLATION
33 IMPOSING A NEW OR INCREASED COST OBLIGATION FOR HEALTH BENEFIT PLANS,
34 INCLUDING PHARMACY BENEFITS, ON AN ENTITY OF THE STATE; TO DECLARE AN
35 EMERGENCY; AND FOR OTHER PURPOSES.



1 Subtitle

2 TO REQUIRE A FISCAL IMPACT STATEMENT FOR ANY PROPOSED LEGISLATION IMPOSING A
3 NEW OR INCREASED COST OBLIGATION FOR HEALTH BENEFIT PLANS, INCLUDING PHARMACY
4 BENEFITS, ON AN ENTITY OF THE STATE; AND TO DECLARE AN EMERGENCY.

5

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

7

8 SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1, is amended
9 to add an additional section to read as follows:

10 10-2-133. Increased cost obligations for health benefit plans – Fiscal
11 impact statement required – Definitions.

12 (a) As used in this section:

13 (1) "Entity of the state" means any agency, board, bureau,
14 commission, committee, council, department, division, institution of higher
15 education, office, public school, quasi-public organization, or other
16 political subdivision of the state;

17 (2) "Fiscal impact statement" means a realistic written
18 statement of the purpose of a proposed law and the estimated financial cost
19 to an entity of the state of implementing or complying with the proposed law;
20 and

21 (3) "Health benefit plan" means a policy, contract, certificate,
22 or agreement offered or issued by an entity to provide, deliver, arrange for,
23 pay for, or reimburse any of the costs of healthcare services, including
24 pharmacy benefits, to an entity of the state.

25 (b)(1) A bill filed in the House of Representatives or the Senate that
26 will impose a new or increased cost obligation for health benefit plans,
27 including pharmacy benefits, on an entity of the state shall:

28 (A) Have a fiscal impact statement attached to the bill
29 prepared and filed with the chair of the committee to which the bill is
30 referred; and

31 (B) Not be taken up by the committee to which the bill is
32 referred until a fiscal impact statement is provided to the chair of the
33 committee.

34 (2) The services of actuaries may be obtained in evaluating the
35 respective bills and preparing the fiscal impact statement.

36 (c)(1)(A) If a House bill or Senate bill is called up for final

1 passage in the House of Representatives or the Senate and a fiscal impact
2 statement has not been provided by the author of the bill or by the committee
3 to which the bill was referred, a member of the House of Representatives or
4 the Senate may object to the bill's being called up for final passage until a
5 fiscal impact statement is prepared and made available on the desk of each
6 member of the House of Representatives or the Senate at least one (1) day
7 before the bill's being called up for final passage.

8 (B) An affirmative vote of two-thirds (2/3) of a quorum
9 present and voting shall override the objection.

10 (2) If an objection is made without override, the presiding
11 officer of the House of Representatives or the Senate shall cause the bill to
12 be referred to an actuary for the preparation of a fiscal impact statement,
13 which shall be filed with the presiding officer not later than five (5) days
14 from the date of the request.

15 (d) A fiscal impact statement required by this section shall be
16 developed by an actuary within the guidelines adopted by the House Committee
17 on Insurance and Commerce and the Senate Committee on Insurance and Commerce,
18 as applicable.

19

20 SECTION 2. Arkansas Code Title 21, Chapter 5, Subchapter 4, is amended
21 to add an additional section to read as follows:

22 21-5-419. Introduction of bills affecting State and Public School Life
23 and Health Insurance Program – Definitions.

24 (a) As used in this section:

25 (1) "Entity of the state" means any agency, board, bureau,
26 commission, committee, council, department, division, institution of higher
27 education, office, public school, quasi-public organization, or other
28 political subdivision of the state; and

29 (2) "Health benefit plan" means a policy, contract, certificate,
30 or agreement offered or issued by an entity to provide, deliver, arrange for,
31 pay for, or reimburse any of the costs of healthcare services, including
32 pharmacy benefits, to an entity of the state.

33 (b) A bill affecting the State and Public School Life and Health
34 Insurance Program or that imposes a new or increased cost obligation for
35 health benefit plans, including pharmacy benefits, on an entity of the state
36 to be considered by the General Assembly at a regular session shall be

1 introduced in the General Assembly during the first fifteen (15) calendar
2 days of a regular session.

3 (c)(1) A bill as described in subsection (b) of this section shall not
4 be introduced after the fifteenth day of a regular session unless the
5 introduction of the bill is first approved by a three-fourths (3/4) vote of
6 the full membership of each house of the General Assembly.

7 (2) If the General Assembly recesses for longer than three (3)
8 consecutive days during the first fifteen (15) days of a regular session, the
9 fifteen-day introduction deadline shall be extended for a time period equal
10 to the recess.

11 (d) A bill affecting the State and Public School Life and Health
12 Insurance Program or that imposes a new or increased cost obligation for
13 health benefit plans, including pharmacy benefits, on an entity of the state
14 shall not be introduced or considered at a fiscal session or an extraordinary
15 session of the General Assembly unless the introduction and consideration of
16 the bill is first approved by a two-thirds (2/3) vote of the full membership
17 of each house of the General Assembly.

18
19 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that the State and Public School
21 Life and Health Insurance Program is inadequate to provide sustainable
22 affordable health benefits for public school employees and state employees;
23 that an urgent need exists to address the state’s funding and administration
24 of benefits for public school employees and state employees in order for the
25 program to remain viable and to avoid severe financial hardship to plan
26 participants; and that this act is immediately necessary to provide
27 affordable health benefit options in a timely manner to the state’s public
28 school employees participating in the program and state employees
29 participating in the program. Therefore, an emergency is declared to exist,
30 and this act being immediately necessary for the preservation of the public
31 peace, health, and safety shall become effective on:

- 32 (1) The date of its approval by the Governor;
33 (2) If the bill is neither approved nor vetoed by the Governor,
34 the expiration of the period of time during which the Governor may veto the
35 bill; or
36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto."

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36