

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1577

4
5 By: Representative Wilson

For An Act To Be Entitled

9 "AN ACT TO REENACT ARKANSAS CODE 12-28-103 TO REQUIRE COST
10 IMPACT STATEMENTS ON BILLS AFFECTING THE DEPARTMENT OF
11 CORRECTION; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO REENACT ARKANSAS CODE 12-28-
15 103 TO REQUIRE COST IMPACT STATEMENTS ON
16 BILLS AFFECTING THE DEPARTMENT OF
17 CORRECTION."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 12-28-103 is amended to read as follows:

22 "§ 12-28-103. ~~[Repealed.]~~ Cost impact statements.

23 (a) Each of the following bills introduced in the Senate or House of
24 Representatives of the Arkansas General Assembly shall have a cost impact
25 statement attached to the bill prior to the committee to which the bill is
26 referred taking action in regard to the bill:

27 (1) Bills which affect inmate population patterns at facilities
28 of the Department of Correction by imposing restrictions on inmate release, or
29 by increased intake into the Department of Correction of inmates based on
30 felony convictions; and

31 (2) Bills which affect programs or services of the Department of
32 Correction.

33 (b) In addition, copies of the impact statements shall be furnished on
34 the desk of each member of the Senate and of the House of Representatives at
35 least one (1) day prior to the date on which the bill is on third reading and
36 debated for final passage in the respective houses.

1 (c) Impact statements required under this section shall be prepared,
 2 upon referral thereof by the Speaker of the House of Representatives, with
 3 respect to House bills, and by the President of the Senate upon recommendation
 4 of the Senate Rules Committee, with respect to Senate bills, at the time of
 5 introduction thereof, to:

6 (1) The Director of the Department of Correction who shall either
 7 personally prepare, or cause appropriate officials of the Department of
 8 Correction to prepare, an impact statement to be approved by the director
 9 before submission to the house in which the request was made; or

10 (2) Any other state agency which has information available upon
 11 which to base an impact statement.

12 (d) The cost impact statements shall be furnished to the Governor and
 13 to the President of the Senate and the Speaker of the House of Representatives
 14 who shall cause copies thereof to be prepared for distribution upon the desks
 15 of the members of the House and Senate at least twenty-four (24) hours prior
 16 to consideration of any such bill by committee or twenty-four (24) hours prior
 17 to the bill being called up for third reading and final passage.

18 (e) The cost impact statements shall be certified by the Director of
 19 the Department of Correction, or the director of the appropriate agency to
 20 which the bill is referred for preparation of an impact statement, and shall
 21 be returned and filed as required in this section within not more than five
 22 (5) days from the date of receipt thereof unless additional time in which to
 23 prepare such statement is granted by the requesting official."

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

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29 SECTION 3. If any provision of this act or the application thereof to
 30 any person or circumstance is held invalid, such invalidity shall not affect
 31 other provisions or applications of the act which can be given effect without
 32 the invalid provision or application, and to this end the provisions of this
 33 act are declared to be severable.

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

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SECTION 5. EMERGENCY. It is found and determined by the General Assembly of the State of Arkansas that without cost impact statements on bills which have an impact on prison populations the General Assembly cannot adequately review and debate those bills; the present law does not now require those cost impact statements; that this act will require cost impact statements on those bills and this act should go into effect immediately in order to be applicable to the Eighty-First General Assembly in its regular session. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.