

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1822

5 By: Representatives Bennett, M.J. Gray
6

For An Act To Be Entitled

8 AN ACT REQUIRING THE PREPARATION OF A CONSTITUTIONAL
9 ISSUE ASSESSMENT FOR CERTAIN BILLS FILED WITH THE
10 SENATE AND HOUSE OF REPRESENTATIVES; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 REQUIRING THE PREPARATION OF A
15 CONSTITUTIONAL ISSUE ASSESSMENT FOR
16 CERTAIN BILLS FILED WITH THE SENATE AND
17 HOUSE OF REPRESENTATIVES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1, is amended*
24 *to add an additional section to read as follows:*

25 *10-2-133. Constitutional issue assessment.*

26 *(a) A constitutional issue assessment shall be prepared by the office*
27 *of the Attorney General as provided in this section.*

28 *(b) The following may request the preparation of a constitutional*
29 *issue assessment concerning a bill or proposed constitutional amendment filed*
30 *with the General Assembly:*

31 *(1) The sponsor of the bill or proposed constitutional*
32 *amendment; or*

33 *(2) A member of a committee to which a bill or proposed*
34 *constitutional amendment is assigned.*

35 *(c) A constitutional issue assessment prepared by the office of the*
36 *Attorney General shall contain without limitation:*



1 (1) An analysis of potential legal issues associated with the
2 bill or proposed constitutional amendment under the Arkansas Constitution or
3 United States Constitution; and

4 (2) An estimate of the cost to defend the bill or proposed
5 constitutional amendment in the event of a legal challenge.

6 (d)(1) A constitutional issue assessment shall be prepared within five
7 (5) days of the request and submitted to:

8 (A) The sponsor of the bill or proposed constitutional
9 amendment, if requested by the sponsor of the bill or proposed constitutional
10 amendment; or

11 (B) The chair of a committee to which the bill or proposed
12 constitutional amendment is assigned, if requested by a member of a committee
13 to which a bill or proposed constitutional amendment is assigned.

14 (2) If a member of a committee to which a bill or proposed
15 constitutional amendment is assigned requests a constitutional issue
16 assessment under this section, the committee shall not take action on the
17 bill until the constitutional issue assessment is prepared and delivered to
18 the chair of the committee.

19 (e) If a bill or proposed constitutional amendment for which a
20 constitutional issue assessment is prepared is subsequently amended, a
21 revised constitutional issue assessment shall be prepared for the bill or
22 proposed constitutional amendment.

23 (f) If a situation arises necessitating the need for a bill or
24 proposed constitutional amendment to be considered immediately, a request for
25 a constitutional issue assessment under this section may be waived by a two-
26 thirds majority vote of the committee to which the bill is assigned.

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28 /s/Bennett
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