

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

HR 1010

4
5 By: Representatives Wardlaw, Shepherd, Dotson, Beaty Jr., Beck, M. Berry, Bragg, Brown, C. Cooper,
6 Crawford, Dalby, M. Davis, Ennett, Eubanks, C. Fite, D. Garner, Godfrey, Hawks, M. Hodges,
7 Hollowell, Hudson, Jett, Love, Maddox, McCullough, S. Meeks, Nicks, Perry, Scott, S. Smith, Speaks,
8 Vaught, Warren, D. Whitaker, Wing, Wooten

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HOUSE RESOLUTION

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

16
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Subtitle

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

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27 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL
28 ASSEMBLY OF THE STATE OF ARKANSAS:

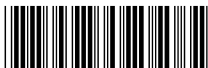
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30 THAT Representative Dotson or Representative Wardlaw is authorized to
31 introduce a bill which as introduced will read substantially as follows:

32

33 "Title

34 AN ACT TO REQUIRE A FISCAL IMPACT STATEMENT FOR ANY PROPOSED LEGISLATION
35 IMPOSING A NEW OR INCREASED COST OBLIGATION FOR HEALTH BENEFIT PLANS,
36 INCLUDING PHARMACY BENEFITS, ON AN ENTITY OF THE STATE; TO DECLARE AN



1 EMERGENCY; AND FOR OTHER PURPOSES.

2
3 Subtitle

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

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

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

12 10-2-133. Increased cost obligations for health benefit plans – Fiscal
13 impact statement required – Definitions.

14 (a) As used in this section:

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

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

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

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

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

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

36 (2) The services of actuaries may be obtained in evaluating the

1 respective bills and preparing the fiscal impact statement.

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

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

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

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

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

24 21-5-419. Introduction of bills affecting State and Public School Life
25 and Health Insurance Program – Definitions.

26 (a) As used in this section:

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

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

35 (b) A bill affecting the State and Public School Life and Health
36 Insurance Program or that imposes a new or increased cost obligation for

1 health benefit plans, including pharmacy benefits, on an entity of the state
2 to be considered by the General Assembly at a regular session shall be
3 introduced in the General Assembly during the first fifteen (15) calendar
4 days of a regular session.

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

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

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

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

34 (1) The date of its approval by the Governor;

35 (2) If the bill is neither approved nor vetoed by the Governor,
36 the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is
3 overridden, the date the last house overrides the veto."

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