

1 State of Arkansas
2 95th General Assembly
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4

As Engrossed: H3/11/25

A Bill

HOUSE BILL 1637

5 By: Representatives Ray, S. Meeks
6 By: Senator M. Johnson
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE DEVELOPMENT AND PRESENTATION OF
10 FISCAL IMPACT STATEMENTS CONCERNING THE FISCAL IMPACT
11 OF STATEWIDE INITIATIVE AND REFERENDUM MEASURES AND
12 LEGISLATIVELY REFERRED CONSTITUTIONAL AMENDMENTS; AND
13 FOR OTHER PURPOSES.
14
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Subtitle

17 CONCERNING THE DEVELOPMENT AND
18 PRESENTATION OF FISCAL IMPACT STATEMENTS
19 CONCERNING THE FISCAL IMPACT OF
20 STATEWIDE INITIATIVE AND REFERENDUM
21 MEASURES AND LEGISLATIVELY REFERRED
22 CONSTITUTIONAL AMENDMENTS.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 7-9-114 is repealed.

27 ~~7-9-114. Abstract of proposed measure.~~

28 ~~(a) The Attorney General shall prepare a concise abstract of the~~
29 ~~contents of each statewide initiative and referendum measure proposed under~~
30 ~~Arkansas Constitution, Amendment 7, and he or she shall transmit it to the~~
31 ~~Secretary of State not less than twenty (20) days before the election.~~

32 ~~(b) Not less than eighteen (18) days before the election, the~~
33 ~~Secretary of State shall transmit a certified copy of the abstract to the~~
34 ~~county boards of election commissioners, who shall cause copies to be printed~~
35 ~~and posted conspicuously at all polling places in the county for the~~
36 ~~information of the voters.~~



1 ~~(e) The cost of printing copies of the abstracts shall be borne by the~~
2 ~~counties as a regular expense of the election.~~

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4 SECTION 2. Arkansas Code § 7-9-115 is amended to read as follows:

5 7-9-115. Furnishing ballot title and popular name to election
6 commissioners.

7 (a) Not less than eighteen (18) days before the election, the
8 Secretary of State shall furnish the State Board of Election Commissioners
9 and county boards of election commissioners a certified copy of the ballot
10 title and popular name for each proposed measure and each referred act to be
11 voted upon at the ensuing election.

12 (b) If the Department of Finance and Administration prepared a fiscal
13 impact statement for a statewide measure under § 7-9-128 or for a
14 legislatively referred constitutional amendment under § 7-9-206, the fiscal
15 impact statement shall be furnished to the State Board of Election
16 Commissioners and county boards of election commissioners along with the
17 ballot title and popular name under subsection (a) of this section.

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19 SECTION 3. Arkansas Code § 7-9-117 is amended to add an additional
20 subsection to read as follows:

21 (d) If the Department of Finance and Administration prepared a fiscal
22 impact statement for a statewide measure under § 7-9-128 for inclusion on the
23 ballot, the fiscal impact statement shall be included on the ballot.

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25 SECTION 4. Arkansas Code Title 7, Chapter 9, Subchapter 1, is amended
26 to add an additional section to read as follows:

27 7-9-128. Fiscal impact statement.

28 (a) Within ten (10) business days of a sponsor submitting an original
29 draft under § 7-9-107, the Attorney General shall determine if the proposed
30 measure has a financial impact by virtue of:

31 (1) Increasing or decreasing state revenues, costs,
32 expenditures, or indebtedness; or

33 (2) Establishing, repealing, or modifying one (1) or more taxes.

34 (b) If the Attorney General certifies a ballot title and popular name
35 under § 7-9-107(d) and he or she determines that the proposed measure has a
36 financial impact under subsection (a) of this section, he or she shall refer

1 the proposed measure and the certified ballot title and popular name within
2 three (3) business days to the Department of Finance and Administration.

3 (c) Upon the referral of a proposed measure under subsection (b) of
4 this section, the department shall prepare an unbiased, good faith fiscal
5 impact statement for the proposed measure, not exceeding one hundred (100)
6 words plus one hundred (100) additional words per revenue source created or
7 impacted by the proposed measure, that contains:

8 (1) A description of the total estimated fiscal impact of the
9 proposed measure over the time period or time periods determined by the
10 department to be most useful in understanding the estimated fiscal impact of
11 the proposed measure;

12 (2) If the proposed measure would increase taxes, decrease
13 taxes, or impose a new tax, a dollar amount representing the total estimated
14 increase or decrease for each type of tax affected under the proposed
15 measure, a dollar amount showing the estimated amount of a new tax, and a
16 dollar amount representing the total estimated increase or decrease in taxes
17 under the proposed measure;

18 (3) If the proposed measure would increase a particular tax or
19 tax rate, the tax percentage difference and the tax percentage increase for
20 each tax or tax rate increased;

21 (4) If the proposed measure would result in the issuance or a
22 change in the status of bonds, notes, or other debt instruments, a dollar
23 amount representing the total estimated increase or decrease in public debt
24 under the proposed law;

25 (5) A dollar amount representing the estimated cost or savings,
26 if any, to state or local government entities under the proposed measure;

27 (6) If the proposed measure would increase costs to state
28 government, a listing of all sources of funding for the estimated costs; and

29 (7) A concise description and analysis titled "Funding Source",
30 not to exceed one hundred (100) words for each funding source, of the funding
31 source information.

32 (d) Following the certification of a ballot title and popular name
33 under § 7-9-107(d), the sponsor of the proposed measure may provide
34 information to the department that he or she believes would assist the
35 department in preparing the unbiased, good faith fiscal impact statement
36 under subsection (c) of this section.

1 (e) If the department requests information from a state agency or
2 other public entity that is necessary for the completion of the fiscal impact
3 statement under this section, the state agency or other public entity shall
4 provide the requested information by the date identified by the department.

5 (f) If the department determines that the fiscal impact of the
6 proposed measure cannot be determined, the department may indicate that the
7 fiscal impact cannot be determined in the fiscal impact statement.

8 (g) The department shall forward the fiscal impact statement under
9 subsection (c) of this section to the Secretary of State by the seventy-sixth
10 day before the general election.

11 (h)(1) If the fiscal impact statement under subsection (c) of this
12 section exceeds two hundred (200) words, the department shall prepare an
13 additional version of the fiscal impact statement that does not exceed two
14 hundred (200) words.

15 (2) The version of the fiscal impact statement that does not
16 exceed two hundred (200) words shall be included on the ballot under § 7-9-
17 117(d) in lieu of the version of the fiscal impact statement exceeding two
18 hundred (200) words.

19 (i) The sponsor of a proposed measure shall not be charged any costs
20 associated with the preparation of the fiscal impact statement under this
21 section.

22 (j) When determining the number of words in a fiscal impact statement
23 under this section, the department shall not include numerals and associated
24 special characters in the word count, including without limitations dollars
25 signs and percentage symbols.

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27 SECTION 5. Arkansas Code Title 7, Chapter 9, Subchapter 2, is amended
28 to add an additional section to read as follows:

29 7-9-206. Fiscal impact statement.

30 (a) If the General Assembly passes a joint resolution proposing an
31 amendment to the Arkansas Constitution, the Department of Finance and
32 Administration shall determine if the proposed measure has a financial impact
33 by virtue of:

34 (1) Increasing or decreasing state revenues, costs,
35 expenditures, or indebtedness; or

36 (2) Establishing, repealing, or modifying one (1) or more taxes.

1 (b) If the department determines that the proposed amendment to the
2 Arkansas Constitution has a financial impact under subsection (a) of this
3 section, the department shall prepare an unbiased, good faith fiscal impact
4 statement for the proposed amendment to the Arkansas Constitution, not
5 exceeding one hundred (100) words plus one hundred (100) additional words per
6 revenue source created or impacted by the proposed amendment to the Arkansas
7 Constitution, that contains:

8 (1) A description of the total estimated fiscal impact of the
9 proposed amendment to the Arkansas Constitution over the time period or time
10 periods determined by the department to be most useful in understanding the
11 estimated fiscal impact of the proposed amendment to the Arkansas
12 Constitution;

13 (2) If the proposed amendment to the Arkansas Constitution would
14 increase taxes, decrease taxes, or impose a new tax, a dollar amount
15 representing the total estimated increase or decrease for each type of tax
16 affected under the proposed amendment to the Arkansas Constitution, a dollar
17 amount showing the estimated amount of a new tax, and a dollar amount
18 representing the total estimated increase or decrease in taxes under the
19 proposed amendment to the Arkansas Constitution;

20 (3) If the proposed amendment to the Arkansas Constitution would
21 increase a particular tax or tax rate, the tax percentage difference and the
22 tax percentage increase for each tax or tax rate increased;

23 (4) If the proposed amendment to the Arkansas Constitution would
24 result in the issuance or a change in the status of bonds, notes, or other
25 debt instruments, a dollar amount representing the total estimated increase
26 or decrease in public debt under the proposed law;

27 (5) A dollar amount representing the estimated cost or savings,
28 if any, to state or local government entities under the proposed amendment to
29 the Arkansas Constitution;

30 (6) If the proposed amendment to the Arkansas Constitution would
31 increase costs to state government, a listing of all sources of funding for
32 the estimated costs; and

33 (7) A concise description and analysis titled "Funding Source",
34 not to exceed one hundred (100) words for each funding source, of the funding
35 source information.

36 (c) Following the passage of a joint resolution proposing an amendment

1 to the Arkansas Constitution, the sponsor of the joint resolution may provide
2 information to the department that he or she believes would assist the
3 department in preparing the unbiased, good faith fiscal impact statement
4 under subsection (b) of this section.

5 (d) If the department requests information from a state agency or
6 other public entity that is necessary for the completion of the fiscal impact
7 statement under this section, the state agency or other public entity shall
8 provide the requested information by the date identified by the department.

9 (e) If the department determines that the fiscal impact of the
10 proposed measure cannot be determined, the department may indicate that the
11 fiscal impact cannot be determined in the fiscal impact statement.

12 (f) The department shall forward the fiscal impact statement under
13 subsection (b) of this section to the Secretary of State by the seventy-sixth
14 day before the general election.

15 (g) The fiscal impact statement prepared by the department under this
16 section shall be included on the ballot in the same manner as a fiscal impact
17 statement prepared under § 7-9-128.

18 (h)(1) If the fiscal impact statement under subsection (b) of this
19 section exceeds two hundred (200) words, the department shall prepare an
20 additional version of the fiscal impact statement that does not exceed two
21 hundred (200) words.

22 (2) The version of the fiscal impact statement that does not
23 exceed two hundred (200) words shall be included on the ballot in lieu of the
24 version of the fiscal impact statement exceeding two hundred (200) words.

25 (i) When determining the number of words in a fiscal impact statement
26 under this section, the department shall not include numerals and associated
27 special characters in the word count, including without limitations dollars
28 signs and percentage symbols.

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30 SECTION 6. DO NOT CODIFY. Measures certified before effective date of
31 act.

32 (a)(1) If the Attorney General certifies the ballot title and popular
33 name of a proposed measure under § 7-9-107(d) before the effective date of
34 this act, the sponsor shall submit the following information to the
35 Department of Finance and Administration within ten (10) business days of the
36 effective date of this act:

- 1 (A) The full text of the proposed measure;
- 2 (B) The certified ballot title for the proposed measure;
- 3 and
- 4 (C) The certified popular name for the proposed measure.
- 5 (2) The sponsor may also submit information to the department he
- 6 or she believes would assist the department in preparing an unbiased, good
- 7 faith fiscal impact statement of the proposed measure.
- 8 (b) The department shall prepare an unbiased, good faith fiscal impact
- 9 statement for the proposed measure in the manner required by § 7-9-128.

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/s/Ray