

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1937

5 By: Representative Gonzales  
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## For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING  
9 ADMINISTRATIVE FEES AND PENALTIES; TO AMEND THE LAW  
10 CONCERNING REVIEW OF AGENCY RULES BY THE LEGISLATIVE  
11 COUNCIL; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING  
15 ADMINISTRATIVE FEES AND PENALTIES; AND TO  
16 AMEND THE LAW CONCERNING REVIEW OF AGENCY  
17 RULES BY THE LEGISLATIVE COUNCIL.  
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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 § 10-3-309(f), concerning review and approval  
24 of state agency rules, is amended to add an additional subdivision read as  
25 follows:

26 (4) A committee or subcommittee under this section considering a  
27 rule containing a fee or penalty submitted in accordance with § 25-15-105 is  
28 not required to state the grounds under subdivision (f)(1) of this section  
29 when not approving a rule containing a fee or penalty, and may choose not to  
30 approve a rule containing a fee or penalty submitted under § 25-15-105 for  
31 any reason.  
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33 SECTION 2. Arkansas Code § 25-15-105 is amended to read as follows:  
34 25-15-105. Administrative fees and penalties.

35 (a) As used in this section, "agency" means the same as defined at §  
36 25-15-202.



1 (b)(1) An agency shall not assess a fee or penalty without specific  
 2 statutory authority to:

- 3 (A) Assess a certain type and amount of fee or penalty; or
- 4 (B) Impose a fee or penalty in general.

5 (2)(A) ~~A fee or penalty established in the rules of an agency~~  
 6 ~~before the effective date of this section that does not comply with~~  
 7 ~~subdivision (b)(1) of this section may remain in effect until July 1, 2013,~~  
 8 ~~but shall not be increased above the amount established by the agency for~~  
 9 ~~that fee or penalty as of the effective date of this section~~ An agency  
 10 assessing or imposing a fee or penalty shall promulgate the fee or penalty by  
 11 rule.

12 (B) An agency is not required to promulgate a fee or  
 13 penalty by rule if the specific amount of the fee or penalty is set by  
 14 statute; and

15 (C) A rule assessing or imposing a fee or penalty shall be  
 16 submitted to Legislative Council for review and approval before a fee or  
 17 penalty may be assessed or imposed by the agency.

18 (c) Subsection (b) of this section does not affect an agency's  
 19 authority to deny, suspend, and revoke licenses within its regulatory  
 20 authority.

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 23 **APPROVED: 5/3/21**  
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