

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1937

By: Representative Gonzales

For An Act To Be Entitled

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

Subtitle

TO AMEND ARKANSAS LAW CONCERNING
ADMINISTRATIVE FEES AND PENALTIES; AND TO
AMEND THE LAW CONCERNING REVIEW OF AGENCY
RULES BY THE LEGISLATIVE COUNCIL.

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

SECTION 1. Arkansas Code § 10-3-309(f), concerning review and approval of state agency rules, is amended to add an additional subdivision read as follows:

(4) A committee or subcommittee under this section considering a rule containing a fee or penalty submitted in accordance with § 25-15-105 is not required to state the grounds under subdivision (f)(1) of this section when not approving a rule containing a fee or penalty, and may choose not to approve a rule containing a fee or penalty submitted under § 25-15-105 for any reason.

SECTION 2. Arkansas Code § 25-15-105 is amended to read as follows:
25-15-105. Administrative fees and penalties.

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



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

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

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

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

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

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