

1 State of Arkansas
2 95th General Assembly
3 Fiscal Session, 2026

HR 1009

4
5 By: Representative McNair
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8 HOUSE RESOLUTION

9 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
10 BILL TO REQUIRE A DIGITAL ASSET MINING BUSINESS TO
11 PAY A FEE TO THE DEPARTMENT OF ENERGY AND ENVIRONMENT
12 FOR EXTRAORDINARY ELECTRICAL ENERGY USAGE AND TO
13 IMPLEMENT OVERSIGHT AND MONITORING PROCEDURES FOR A
14 DIGITAL ASSET MINING BUSINESS.
15

16 Subtitle

17 TO AUTHORIZE THE INTRODUCTION OF A
18 NONAPPROPRIATION BILL TO REQUIRE A
19 DIGITAL ASSET MINING BUSINESS TO PAY A
20 FEE FOR EXTRAORDINARY ELECTRICAL ENERGY
21 USAGE AND TO IMPLEMENT OVERSIGHT
22 PROCEDURES.
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26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL
27 ASSEMBLY OF THE STATE OF ARKANSAS:

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29 THAT Senator King is authorized to introduce a bill which as introduced
30 will read substantially as follows:
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32 "Title

33 AN ACT TO AMEND THE ARKANSAS DATA CENTERS ACT OF 2023; TO REQUIRE A DIGITAL
34 ASSET MINING BUSINESS TO PAY A FEE TO THE DEPARTMENT OF ENERGY AND
35 ENVIRONMENT FOR EXTRAORDINARY ELECTRICAL ENERGY USAGE; TO IMPLEMENT OVERSIGHT
36 AND MONITORING PROCEDURES FOR A DIGITAL ASSET MINING BUSINESS; AND FOR OTHER



1 PURPOSES.

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3 Subtitle

4 TO REQUIRE A DIGITAL ASSET MINING BUSINESS TO PAY A FEE TO THE DEPARTMENT OF
5 ENERGY AND ENVIRONMENT FOR EXTRAORDINARY ELECTRICAL ENERGY USAGE.

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

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9 SECTION 1. Arkansas Code Title 14, Chapter 1, Subchapter 6, is amended
10 to add an additional section to read as follows:

11 14-1-607. Digital asset mining business – Extraordinary electrical
12 energy usage fee – Oversight and monitoring procedures.

13 (a) A digital asset mining business or business utilizing a blockchain
14 network that is in operation as of the effective date of this act shall pay a
15 fee to the Department of Energy and Environment on an annual basis for each
16 instance of extraordinary electrical energy usage generated during the
17 preceding calendar year according to the following scale:

18 (1) Twenty-five thousand dollars (\$25,000) for each one megawatt
19 (1 MW) to two and forty-nine hundredths megawatts (2.49 MW) of electrical
20 energy in any given calendar month of the preceding calendar year;

21 (2) Fifty thousand dollars (\$50,000) for each two and five-
22 tenths megawatts (2.5 MW) to four and ninety-nine hundredths megawatts (4.99
23 MW) of electrical energy in any given calendar month of the preceding
24 calendar year;

25 (3) Seventy-five thousand dollars (\$75,000) for each five
26 megawatts (5 MW) to ten megawatts (10 MW) of electrical energy in any given
27 calendar month of the preceding calendar year; and

28 (4) One hundred thousand dollars (\$100,000) for each use of more
29 than ten megawatts (10 MW) of electrical energy in any given calendar month
30 of the preceding calendar year.

31 (b)(1) If a digital asset mining business or business utilizing a
32 blockchain network begins operation after the effective date of this act,
33 before the digital asset mining business or business utilizing a blockchain
34 network begins consuming electrical energy at the site of its operation, the
35 digital asset mining business or business utilizing a blockchain network
36 shall:

1 (A) Prepare a good faith estimate of what the digital
2 asset mining business or business utilizing a blockchain network's electrical
3 energy usage for the next following calendar year will be; and

4 (B) Submit the following to the Department of Energy and
5 Environment:

6 (i) Any applicable fees that the digital asset
7 mining business or business utilizing a blockchain network believes in good
8 faith would apply to the digital asset mining business or business utilizing
9 a blockchain network under subsection (a) of this section; and

10 (ii) A good faith estimate of anticipated electrical
11 energy usage of the digital asset mining business or the business utilizing a
12 blockchain network.

13 (2)(A) Within thirty (30) days after a digital asset mining
14 business or business utilizing a blockchain network has completed one (1)
15 calendar year of electrical energy consumption at the site of the operation
16 of the digital asset mining business or business utilizing a blockchain
17 network under subdivision (b)(1) of this section, the digital asset mining
18 business or business utilizing a blockchain network shall provide to the
19 Department of Energy and Environment:

20 (i) An attestation that the estimate provided in
21 subdivision (b)(1) of this section was accurate or, if underestimated, that
22 there was more electrical energy consumption than estimated;

23 (ii) A full and accurate documentation showing the
24 actual electrical energy usage of the digital asset mining business or
25 business utilizing a blockchain network for the preceding calendar year; and

26 (iii) The applicable fees required under subsection
27 (a) of this section.

28 (B) If a digital asset mining business or business
29 utilizing a blockchain network overestimated its electrical energy usage
30 under subdivision (b)(1)(A) of this section and overpaid the Department of
31 Energy and Environment under subdivision (b)(1)(B) of this section, the
32 Department of Energy and Environment, within thirty calendar (30) days of
33 receipt of the attestation and documentation under subdivision (b)(2)(A) of
34 this section, shall provide a refund of the difference to the digital asset
35 mining business or business utilizing a blockchain network.

36 (3)(A) If through audit or other means the Department of Energy

1 and Environment gains actual knowledge that a digital asset mining business
2 or business utilizing a blockchain network has knowingly made a false
3 material statement under subdivision (b)(2)(A) of this section, the
4 Department of Energy and Environment may assess penalties against the digital
5 asset mining business or business utilizing a blockchain network of no less
6 than twenty-five thousand dollars (\$25,000) per violation.

7 (B) A digital asset mining business or business utilizing
8 a blockchain network that has knowingly made a false material statement under
9 subdivision (b)(2)(A) of this section upon conviction is guilty of a:

10 (i) Class A misdemeanor for a first offense; and
11 (ii) Class D felony for a second or subsequent
12 offense.

13 (c) The proceeds from the extraordinary electrical energy usage fee
14 under subsection (a) of this section shall be disbursed as follows:

15 (1) Fifty percent (50%) to the State Securities Department, to a
16 cash fund deposited into the State Treasury as determined by the Chief Fiscal
17 Officer of the State, to be used exclusively for:

18 (A) Personal services and operating expenses; and
19 (B) Oversight and monitoring of digital asset mining
20 businesses for fraud or other illegal activities;

21 (2) Twenty-five percent (25%) to the Office of the Attorney
22 General, to a cash fund deposited into the State Treasury as determined by
23 the Chief Fiscal Officer of the State, to be used exclusively for:

24 (A) Personal services and operating expenses; and
25 (B) Oversight and monitoring of digital asset mining
26 businesses and businesses utilizing a blockchain network for fraud or other
27 illegal activities, including without limitation investigation into state and
28 national security concerns; and

29 (3) Twenty-five percent (25%) to the Department of Energy and
30 Environment, to a cash fund deposited into the State Treasury as determined
31 by the Chief Fiscal Officer of the State, to be used exclusively for:

32 (A) Personal services and operating expenses; and
33 (B) Oversight and monitoring of digital asset mining
34 businesses for concerns related to energy usage.

35 (d) The Department of Energy and Environment shall promulgate rules to
36 implement this section.

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2 SECTION 2. DO NOT CODIFY. Rules implementing this act.

3 (a) When adopting the initial rules to implement this act, the final
4 rule shall be filed with the Secretary of State for adoption under § 25-15-
5 204(f):

6 (1) On or before January 1, 2027; or

7 (2) If approval under § 10-3-309 has not occurred by January 1,
8 2027, as soon as practicable after approval under § 10-3-309.

9 (b) The Department of Energy and Environment shall file the proposed
10 rule with the Legislative Council under § 10-3-309(c) sufficiently in advance
11 of January 1, 2027, so that the Legislative Council may consider the rule for
12 approval before January 1, 2027."

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