

Proposed Rule DFA.IGS.003. METHOD OF ADMINISTERING THE PREGNANCY
HELP ORGANIZATIONS GRANT PROGRAM
Mark-Up Version of Proposed Rule

Pursuant to the authority vested in the Secretary of the Department of Finance and Administration, by Ark. Code Ann. §§ 25-8-102(a) and Act 622 of the 2023 Regular Session, 94rd General Assembly, the Secretary of the Department of Finance and Administration, with the approval of the Governor, does hereby promulgate the following Rule.

1. Definitions.

(A) "Certify" means to attest affirmatively, based on information and belief formed after reasonable inquiry, to the truth, accuracy, and completeness, under penalty of perjury.

(B) "Pregnancy Help Organization" means an organization existing as of January 1, 2023, that: seeks to provide a range of services to individuals facing an unintended pregnancy with the intention of encouraging pregnant women to give birth to their unborn children; and does not perform, prescribe, provide referrals for, or encourage abortion or affiliate with any organization that performs, prescribes, provides referral for, or encourages abortion.

(C) "Department" means the Department of Finance and Administration.

(D) "Pregnancy Help Organizations" include services organizations in existence on or before January 1, 2023 that:

(a) Seeks to provide a range of services to individuals facing an unintended pregnancy with the intention of encouraging pregnant women to give birth to their unborn children; and

(b) Does not perform, prescribe, provide referrals for, or encourage abortion or affiliate with any organization that performs, prescribes, provides referrals for, or encourages abortion.

(E) "Pregnancy Help Organizations" includes without limitation

(a) Organizations traditionally known as "crisis pregnancy organizations"

(b) Maternity homes

- (c) Adoption agencies and
- (d) Social services agencies that provide material support and other assistance to individuals facing an unintended pregnancy to help those individuals give birth to their unborn children.

2. PREGNANCY HELP ORGANIZATIONS GRANT PROGRAM

(A) The Department created the Pregnancy Help Organizations Grant Program (the "Program") in order to comply with Act 622 of the 2023 Regular Session, 94th General Assembly. The Program will provide grant funding to "pregnancy Help Organizations."

(B) Any entity seeking grant funding under the Program shall make application to the Department on the form(s) provided by the Department for that purpose.

(C) Any entity seeking grant funding under the Program shall provide a grant plan to the Department on the form(s) provided by the Department for that purpose.

(i) Grant plans shall include the following: a narrative describing the current activities of the entity; a narrative which details the range of services the entity proposes to provide with grant funds and the experience that it has in providing the proposed services; a narrative describing the entity's management and key staff with information concerning their experience in working with individuals facing an unintended pregnancy; and an annual budget with line items specifically detailing the proposed expenditures.

(D) Funding under the Program shall not be disbursed all at once but in increments in accordance with the plan described in Section (2)(C).

(F) Any entity receiving funding under the Program shall report to the Department on a quarterly basis on the form(s) provided by the Department for that purpose. Failure to provide the quarterly report(s) may result in a delay or refund of funding.

(G) By signing the Program application, grant plan, and reporting forms, the chief executive officer of the entity seeking or receiving grant funds shall certify that the information provided on the form(s) and all documents submitted with the form(s) are true, accurate, and complete under penalty of perjury.

(H) In accordance with Act 622 of the 2023 Regular Session, 94th General Assembly, the Program shall only be in effect from July 1, 2023 through June 30, 2024.

Source: Act 622 of the 2023 Regular Session, 94th General Assembly.

Jim Hudson, Secretary
Arkansas Department of Finance and Administration

Date: September 27, 2023

State of Arkansas *As Engrossed: S2/22/23 S3/28/23*

94th General Assembly

Regular Session, 2023

A Bill

SENATE BILL 286

By: Senator Flippo

By: Representative Jean

RECEIVED

OCT 12 2023

BUREAU OF

LEGISLATIVE RESEARCH

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PREGNANCY HELP
ORGANIZATION GRANTS FOR THE DEPARTMENT OF FINANCE AND
ADMINISTRATION - DISBURSING OFFICER FOR THE FISCAL
YEAR ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF FINANCE AND
ADMINISTRATION - DISBURSING OFFICER
APPROPRIATION FOR THE 2023-2024 FISCAL
YEAR.

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

SECTION 1. APPROPRIATION - PREGNANCY HELP ORGANIZATION GRANTS. There
is hereby appropriated, to the Department of Finance and Administration -
Disbursing Officer, to be payable from the Pregnancy Help Organization Sub-
Fund in the Miscellaneous Agencies Fund Account, for grants for the Pregnancy
Help Organizations for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
NO.	2023-2024
(01) PREGNANCY HELP ORGANIZATION GRANTS	<u>\$1,000,000</u>

SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PREGNANCY
HELP ORGANIZATION GRANTS.



1 (a)(1) As used in this section, "pregnancy help organization" means an
2 organization existing as of January 1, 2023, that:

3 (A) Seeks to provide a range of services to individuals
4 facing an unintended pregnancy with the intention of encouraging pregnant
5 women to give birth to their unborn children; and

6 (B) Does not perform, prescribe, provide referrals for, or
7 encourage abortion or affiliate with any organization that performs,
8 prescribes, provides referrals for, or encourages abortion.

9 (2) As used in this section, a "pregnancy help organization"
10 includes without limitation:

11 (A) Organizations traditionally known as "crisis pregnancy
12 organizations";

13 (B) Maternity homes;

14 (C) Adoption agencies; and

15 (D) Social services agencies that provide material support
16 and other assistance to individuals facing an unintended pregnancy to help
17 those individuals give birth to their unborn children.

18 (b)(1) The Department of Finance and Administration shall create a
19 grant program to provide funding to pregnancy help organizations.

20 (2) Grant funds shall be disbursed directly to the pregnancy help
21 organizations from the Department of Finance and Administration.

22 (c)(1) The department shall promulgate rules to implement the
23 disbursement of the grant moneys from the Pregnancy Help Organization Grant
24 Sub-Fund in the Miscellaneous Agencies Fund Account.

25 (2) The rules shall include:

26 (A) A requirement that the entity requesting the grant
27 monies submit a plan describing how the entity will spend the grant moneys;
28 and

29 (B) A statement that the funds shall not be disbursed all
30 at once, but in increments in accordance with the plan described in
31 subdivision (c)(2)(A) of this section.

32 (d) The provisions of this section shall be in effect only from July
33 1, ~~2022~~ 2023, through June 30, ~~2023~~ 2024.
34

35 *SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
36 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING*

1 ~~TRANSFER.~~ (i) Immediately upon the effective date of this section, the Chief
2 Fiscal Officer of the State shall ~~transfer on his or her books and those of~~
3 ~~the State Treasurer and the Auditor of the State the sum of one million~~
4 ~~dollars (\$1,000,000) from the General Revenue Allotment Reserve Fund to~~
5 establish the Pregnancy Help Organization Grant Sub-Fund in the Miscellaneous
6 Agencies Fund Account to provide funding exclusively for the Pregnancy Help
7 Organization Grants Appropriation in Section 1 in this Act to be distributed
8 as set out in Pregnancy Help Organization Grants Special Language in Section
9 2 of this Act.

10 (ii) Any funds not expended in the Pregnancy Help Organization Grant
11 Sub-Fund in the Miscellaneous Agencies Fund Account as established in
12 subsection (i) herein after June 30, 2023 2024 shall be transferred to the
13 General Revenue Allotment Reserve Fund.

14
15 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
16 authorized by this act shall be limited to the appropriation for such agency
17 and funds made available by law for the support of such appropriations; and
18 the restrictions of the State Procurement Law, the General Accounting and
19 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
20 Procedures and Restrictions Act, or their successors, and other fiscal
21 control laws of this State, where applicable, and regulations promulgated by
22 the Department of Finance and Administration, as authorized by law, shall be
23 strictly complied with in disbursement of said funds.

24
25 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General
26 Assembly that any funds disbursed under the authority of the appropriations
27 contained in this act shall be in compliance with the stated reasons for
28 which this act was adopted, as evidenced by the Agency Requests, Executive
29 Recommendations and Legislative Recommendations contained in the budget
30 manuals prepared by the Department of Finance and Administration, letters, or
31 summarized oral testimony in the official minutes of the Arkansas Legislative
32 Council or Joint Budget Committee which relate to its passage and adoption.

33
34 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
35 Assembly, that the Constitution of the State of Arkansas prohibits the
36 appropriation of funds for more than a one (1) year period; that the

1 effectiveness of this Act on July 1, 2023 is essential to the operation of
2 the agency for which the appropriations in this Act are provided, and that in
3 the event of an extension of the legislative session, the delay in the
4 effective date of this Act beyond July 1, 2023 could work irreparable harm
5 upon the proper administration and provision of essential governmental
6 programs. Therefore, an emergency is hereby declared to exist and this Act
7 being necessary for the immediate preservation of the public peace, health
8 and safety shall be in full force and effect from and after July 1, 2023.

9
10 /s/Flippo

11
12
13 **APPROVED: 4/11/23**
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36