



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF THE SECRETARY
1509 West Seventh Street, Suite 401
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-2242
Fax: (501) 682-1029
www.arkansas.gov/dfa

July 8, 2022

Ms. Marty Garrity, Director
Arkansas Bureau of Legislative Research
State Capitol – Room 315
Little Rock, Arkansas 72201

Re: Proposed Pregnancy Resource Center Grant Program Emergency Rule

Ms. Garrity:

Enclosed is a proposed emergency rule with necessary attachments for the Pregnancy Resources Center Grant Program under Act 187 of 2022 (Act 187). The effect of the emergency rule would be to allow the Office of Intergovernmental Services (IGS) of the Department of Finance and Administration to receive and approve grant applications from pregnancy resource centers (PRC) within Arkansas to provide resources to individuals facing an unintended pregnancy with the intention of encouraging pregnant women to give birth to their unborn children. Act 187 became effective on March 7, 2022 and requires promulgation of rules by the Department to administer the program.

IGS has determined that an emergency rule is necessary to establish the application process and necessary forms so that a PRC may apply for grant funds and serve the needs of Arkansas citizens. An emergency rule will allow IGS to immediately assist PRC organizations. Delaying implementation of the rule until it is first promulgated under the Administrative Procedures Act would result in delays for PRCs seeking funding to provide services. IGS will also promulgate a permanent rule under the procedures of the APA.

Thank you for considering this proposed emergency rule.

Best regards,

A handwritten signature in blue ink, reading 'Larry W. Walther', is written over a circular embossed seal.

Larry W. Walther, Secretary
Department of Finance and Administration

cc w/encl: Ms. Jill Thayer
Ms. Gina Seaton



REQUEST FOR GOVERNOR'S APPROVAL OF PROPOSED RULES

Please submit this form and all required documents in the checklist as a single pdf document. Failure to comply will result in the rule being denied.

Rules identified as mandatory promulgations in Form 2021A must be submitted to the Governor's Office for approval no later than December 31, 2021.

Cabinet Department: Department of Finance and Administration

Division/Commission/Board/Agency: Office of Intergovernmental Services

Rule Number: 002 **Short Title of Rule:** Pregnancy Resources Centers Grant

New Rule: ☒ Yes ☐ No **Rule Amendment:** ☐ Yes ☒ No **Rule Repeal:** ☐ Yes ☒ No

Proposed Effective Date: August 1, 2022 **Date Rule Submitted:** _____

Emergency Rule: ☒ Yes ☐ No **Expedited Request:** ☒ Yes ☐ No **Reason:** To be effective August 1, 2022

Drafted in Code of Rules Format ☒ Yes ☐ No **If not, explain:** _____

Please explain the need for an Emergency/Expedited Rule: To comply with the effective date of Act 187 of the 2022 Fiscal Session, 93rd General Assembly.

AUTHORITY TO PROMULGATE

State Mandate: ☒ Yes ☐ No **Federal Mandate:** ☐ Yes ☐ No **Act No.:** _____

Statutory Authority to Promulgate the Rule: Act 187 of the 2022 Fiscal Session, 93rd General Assembly

Department/Agency Legislation from Legislative Session: ☐ Yes ☐ No **Act No.:** 187

House Sponsor: _____ **Senate Sponsor:** Hickey

Cabinet Review: ☒ Yes ☐ No **Secretary's Signature:** Ramy Walther **Date:** 7-8-2022

RULE SUMMARY

Purpose of Rule: To provide sub-grants to organizations that provide services to pregnant women with the purpose of encouraging them to give birth to their unborn.

Reason for Creating or Amending the Rule: To comply with Act 187 of the 2022 Fiscal Session, 93rd General Assembly

How does the Rule deviate from the Act: This rule does not deviate from the Act.

Rule Based on a Rule From Different Jurisdictions: ☐ Yes ☒ No **Jurisdictions:** _____

Short Summary of New Rule or Rule Changes: (explain in greater detail in your executive summary)

This rule establishes the administrative components necessary to perform the granting and disbursement procedures for the Pregnancy Resource Center Grant Program pursuant to Act 187 of the 2022 Fiscal Session, 93rd General Assembly.

Applicable Federal Regulations: ☐ Yes ☒ No **C.F.R. No:** _____

Proposed Rule the Least Restrictive Alternative: ☒ Yes ☐ No. **If not, why?** _____

Does it Mirror Federal Regulations or Impose Additional Requirements: ☐ Yes ☒ No

Explain: _____

Note: In addition to these explanations, the Department/Agency seeking to promulgate this rule shall submit the attached executive summary. Failure to include the summary will result in the rule being denied.

CONTROVERSY

Rule Controversial: ☐ Yes ☒ No **Act Controversial in Legislative Session:** ☐ Yes ☒ No

Known Interested Parties: _____

Comments Made at Legislative Session: _____

Public Hearing: ☐ Yes ☐ No **Expect public comment from:** _____

FINANCIAL IMPACT

Financial Impact: ☒ Yes ☐ No **Total Impact: FY2021:** _____ **FY2022:** \$1 million

Impact Mitigated by Federal Funding: ☐ Yes ☒ No **FY2021:** _____ **FY2022:** _____

Reasons for Financial Impact: \$1 million in funding is appropriated to fund sub-grants to pregnancy resource centers.

FINAL CHECKLIST

Please note that the Governor's office will not begin the approval process of the foregoing rule if any of the following applicable documents are not enclosed in the order listed in a single PDF file.

- x Rule Request Form
- x Executive Summary
- x Mark-Up Version of the Proposed Rule
- x Clean Version of the Proposed Rule
- x BLR Questionnaire
- x BLR Financial Impact Statement
- x Copy of Act or Regulation



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Proposed Rule Regarding Method of Administering the Pregnancy Resources Center Grant Sub-Fund

July 7, 2022

PURPOSE

The Arkansas Department of Finance and Administration is seeking Governor Hutchinson's review of the proposed rule to administer the Pregnancy Resources Center Grant program.

BACKGROUND

Pursuant to the authority vested in the Secretary of the Department of Finance and Administration, (DFA) by Ark. Code Ann. §§ 25-8-102(a) and Act 187 of the 2022 Fiscal Session, 93rd General Assembly, the Secretary of the Department of Finance and Administration, with the approval of the Governor, will administer the Pregnancy Resources Center Grant program by making sub-grants to organizations that provide services to pregnant women with the purpose of encouraging them to give birth to their unborn.

KEY POINTS

The proposed rule:

- Define the meaning of Pregnancy Resource Center in reference to organizations eligible to receive grant funds.
- Establishes requirement for applicants to submit a grant plan to DFA for approval prior to receiving a sub-grant.
- The approved grant plan will govern the organization's use of its sub-grant.

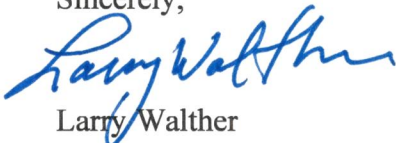
DISCUSSION

Pregnancy resource centers preserve public peace, health, and safety by providing a range of services to individuals facing unintended pregnancies. These pregnancy resource centers have been underfunded. This grant program will allow centers in need to apply for grant funding to assist with serving pregnant women.

RECOMMENDATION

We recommend that the proposed rule be approved as proposed by DFA.

Sincerely,



Larry Walther

Proposed Emergency Rule DFA.IGS.002. METHOD OF ADMINISTERING THE
PREGNANCY RESOURCE CENTER 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 187 of the 2022 Fiscal Session, 93rd 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 Resource Center" means an organization existing as of January 1, 2022, 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 Resource Center" include services organizations in existence on or before January 1, 2022 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 Resource Center" 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. PREGANCY RESOURCE CENTER GRANT PROGRAM

(A) The Department created the Pregnancy Resource Center Grant Program (the "Program") in order to comply with Act 187 of the 2022 Fiscal Session, 93rd General Assembly. The Program will provide grant funding to "pregnancy resource centers."

(B) A pregnancy resource center seeking grant funding under the Program shall make application to the Department on the form(s) provided by the Department for that purpose.

(C) A pregnancy resource center 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).

(E) A pregnancy resource center receiving funding under the Program shall report actual expenditures 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.

(F) 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.

(G) In accordance with Act 187 of the 2022 Fiscal Session,
93rd General Assembly, the Program shall only be in effect from
July 1, 2022 through June 30, 2023.

Source: Act 187 of the 2022 Fiscal Session, 93rd General Assembly.



Larry W. Walther, Secretary

Arkansas Department of Finance and Administration

Date: July 7, 2022

Proposed Emergency Rule DFA.IGS.002. METHOD OF ADMINISTERING THE PREGNANCY RESOURCE CENTER GRANT PROGRAM

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(G) In accordance with Act 187 of the 2022 Fiscal Session, 93rd General Assembly, the Program shall only be in effect from July 1, 2022 through June 30, 2023.

Source: Act 187 of the 2022 Fiscal Session, 93rd General Assembly.



Larry W. Walther, Secretary

Arkansas Department of Finance and Administration

Date: July 7, 2022



ARKANSAS DEPARTMENT OF FINANCE ADMINISTRATION
OFFICE OF INTERGOVERNMENTAL SERVICES

QUARTERLY REPORTING FORM

AGENCY (RECIPIENT)	(Enter Name)						
PROJECT TITLE:	PREGNANCY RESOURCE CENTER GRANT PROGRAM						
SPENDING PLAN SUMMARY	APPROVED BUDGET	FUNDS USED QUARTER 1	FUNDS USED QUARTER 2	FUNDS USED QUARTER 3	FUNDS USED QUARTER 4	TOTAL FUNDS USED	UNSPENT BALANCE
A. MAINTENANCE AND OPERATIONS: Includes rent/lease, communications/telephone, vehicle maintenance/fuel, office supplies, utilities/internet, insurances, security services, etc							
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL MAINTENANCE AND OPERATIONS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
B. EQUIPMENT: List non-expendable items to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years.							
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL EQUIPMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
C. PROFESSIONAL/CONTRACT SERVICES: Includes vehicle lease, consultants-CPA, Accounting/Bookkeeping, etc.							
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL PROFESSIONAL/CONTRACT SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
D. TRAVEL/TRAINING: Travel and training expenses of project personnel by purpose.							
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL TRAVEL/TRAINING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
H. OTHER COST: List and explain any other cost items for which funding is requested.							
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Item Name	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL OTHER	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL BUDGET REQUESTED	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

AUTHORIZED OFFICIAL (AO) SIGNATURE

(Enter AO Email)

(Enter AO Telephone)

FISCAL OFFICER (FO) SIGNATURE

(Enter FO Email)

(Enter FO Telephone)

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Department of Finance and Administration
DIVISION Office of Intergovernmental Services
DIVISION DIRECTOR Secretary Larry Walther
CONTACT PERSON Doris Smith, Administrator
ADDRESS 1515 West 7th Street Suite 400 Little Rock, Arkansas 72202
PHONE NO. (501)682-5242 FAX NO. (501) 682-5206 E-MAIL Doris.Smith@dfa.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Doris Smith
PRESENTER E-MAIL Doris.Smith@dfa.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Pregnancy Resource Centers Grant Program
2. What is the subject of the proposed rule? Grants to assist Pregnancy Resource Centers (PRCs) statewide
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation. _____
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☒ No ☐
If yes, what is the effective date of the emergency rule? August 1, 2022
When does the emergency rule expire? October 30, 2022

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☒

No ☐

5. Is this a new rule? Yes ☒ No ☐

If yes, please provide a brief summary explaining the regulation. Grants to PRCs to provide services to individuals facing an unintended pregnancy with the intention of encouraging pregnant women to give birth to their unborn children.

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes ☐ No ☒

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Act 187 of the 2022 Fiscal Session, 93rd General Assembly

7. What is the purpose of this proposed rule? Why is it necessary? To make sub-grants to organizations that provide services to pregnant women with the purpose of encouraging them to give birth to their unborn.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <https://www.dfa.arkansas.gov/intergovernmental-services/grant-programs/>

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

Public comment period will be specified in the filing for permanent promulgation.

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

July 1, 2022

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. Proofs of notice and publication will be included in the filing for permanent promulgation.

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). These proofs will be included in the filing for permanent promulgation.

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. _____

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Finance and Administration

DIVISION Office of Intergovernmental Services

PERSON COMPLETING THIS STATEMENT Doris Smith, Administrator DFA
Intergovernmental Services

TELEPHONE (501)682-5242 **FAX** (501)682-5242 **EMAIL:** Doris.Smith@dfa.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Pregnancy Resource Centers Grant Program

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

(b) The reason for adoption of the more costly rule;

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue \$1,000,000 _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0 _____

Next Fiscal Year

\$ 0 _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 1,000,000 _____

Next Fiscal Year

\$ _____

\$1 million is appropriated to fund sub-grant awards to pregnancy resources centers statewide.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☒ No ☐

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Stricken language will be deleted and underlined language will be added.
Act 187 of the Fiscal Session

1 State of Arkansas
2 93rd General Assembly
3 Fiscal Session, 2022

As Engrossed: S3/1/22

A Bill

SENATE BILL 102

4
5 By: Senator Hickey

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PREGNANCY
9 RESOURCE CENTER GRANTS FOR THE DEPARTMENT OF FINANCE
10 AND ADMINISTRATION - DISBURSING OFFICER FOR THE
11 FISCAL YEAR ENDING JUNE 30, 2023; AND FOR OTHER
12 PURPOSES.

Subtitle

15 AN ACT FOR THE DEPARTMENT OF FINANCE AND
16 ADMINISTRATION - DISBURSING OFFICER
17 APPROPRIATION FOR THE 2022-2023 FISCAL
18 YEAR.

19
20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. APPROPRIATION - PREGNANCY RESOURCE CENTER GRANTS. There is
24 hereby appropriated, to the Department of Finance and Administration -
25 Disbursing Officer, to be payable from the Pregnancy Resource Center Sub-Fund
26 in the Miscellaneous Agencies Fund Account, for grants for the Pregnancy
27 Resource Centers for the fiscal year ending June 30, 2023, the following:

29 ITEM	FISCAL YEAR
30 NO.	2022-2023
31 (01) PREGNANCY RESOURCE CENTER GRANTS	<u>\$1,000,000</u>

32
33 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PREGNANCY
35 RESOURCE CENTER GRANTS.

36 (a)(1) As used in this section, "pregnancy resource center" means an



03-01-2022 15:44:19 JAP057

1 organization existing as of January 1, 2022, that:

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

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

8 (2) As used in this section, a "pregnancy resource center"
9 includes without limitation:

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

12 (B) Maternity homes;

13 (C) Adoption agencies; and

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

17 (b)(1) The Department of Finance and Administration shall create a
18 grant program to provide funding to pregnancy resource centers.

19 (2) Grant funds shall be disbursed directly to the pregnancy
20 resource centers from the Department of Finance and Administration.

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

24 (2) The rules shall include:

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

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

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

33

34 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
36 TRANSFER. (i) Immediately upon the effective date of this Section, the Chief

1 Fiscal Officer of the State shall transfer on his or her books and those of
2 the State Treasurer and the Auditor of the State the sum of one million
3 dollars (\$1,000,000) from the Rainy Day Fund to the Pregnancy Resource Center
4 Grant Sub-Fund in the Miscellaneous Agencies Fund Account to provide funding
5 exclusively for the Pregnancy Resource Center Grants Appropriation in Section
6 1 in this Act to be distributed as set out in Pregnancy Resource Center
7 Grants Special Language in Section 2 of this Act.

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

12 (iii) The provisions of this section shall be in effect upon passage
13 and approval only through June 30, 2023.

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. EFFECTIVE DATE. Sections 1, 2, 4, and 5 of this act are
35 effective on and after July 1, 2022.

36

1 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
2 Assembly of the State of Arkansas that pregnancy resource centers preserve
3 public peace, health, and safety by providing a range of services to
4 individuals facing unintended pregnancies; that pregnancy resource centers
5 across the state have been underfunded; that in order to preserve public
6 peace, health, and safety, pregnancy resource centers may need to apply for
7 grant funding under Section 3 of this act; and that Section 3 of this act is
8 immediately necessary to enable pregnancy resource centers to provide
9 services that preserve the public peace, health, and safety. Therefore, an
10 emergency is declared to exist, and Section 3 of this act being immediately
11 necessary for the preservation of the public peace, health, and safety shall
12 become effective on:

13 (1) The date of its approval by the Governor;

14 (2) If the bill is neither approved nor vetoed by the Governor,
15 the expiration of the period of time during which the Governor may veto the
16 bill; or

17 (3) If the bill is vetoed by the Governor and the veto is
18 overridden, the date the last house overrides the veto.

19

20 /s/Hickey

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23 APPROVED: 3/7/22

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STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Tim Carlock, Assistant Director
for Information Technology
Matthew Miller, Assistant Director
for Legal Services
Jessica Whittaker, Assistant Director
for Research Services

MEMORANDUM

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research;
Rebecca Miller-Rice, Administrator, Administrative Rules Review Section,
Legal Services Division

FROM: Lacey Johnson, Legislative Attorney, Administrative Rules Review Section,
Legal Services Division

DATE: July 12, 2022

SUBJECT: Legal Authorization for the Department of Finance and Administration's
Emergency Promulgation of a Rule Regarding the Pregnancy Resource Center
Grant Program

This emergency rule implements Act 187 of 2022. The Act, sponsored by Senator Jimmy Hickey, made an appropriation for pregnancy resource center grants for the Department of Finance and Administration – Disbursing Officer for the fiscal year ending June 30, 2023. The Act required the Department of Finance and Administration to create a grant program to provide funding to pregnancy resource centers. Act 187, § 2(b)(1).

“The department shall promulgate rules to implement the disbursement of the grant moneys from the Pregnancy Resource Center Grant Sub-Fund in the Miscellaneous Agencies Fund Account.” Act 187, § 2(c)(1). The rules promulgated under the Act shall include “a requirement that the entity requesting the grant monies submit a plan describing how the entity will spend the grant moneys; and a statement that the funds shall not be disbursed all at once, but in increments in accordance with the plan[.]” Act 187, § 2(c)(2).

The provisions of Section 2 of the Act “shall be in effect only from July 1, 2022, through June 30, 2023.” Act 187, § 2(d).