

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



Michael Preston
Secretary of Commerce,
Executive Director
Arkansas Economic Development Commission

Rule Summary

Spay and Neuter Pet Grant Program Rule

Purpose

The Rural Services Division of the Arkansas Economic Development Commission is seeking to amend the existing Spay & Neuter Pet Grant Program Rule.

Background

Act 419 of 2019 appropriated funds to AEDC's Rural Services Division to provide matching grants to organizations that provide spay and neuter services for cats and dogs. Applicants may be cities of the first class, cities of the second class, incorporated towns, or counties of the the State of Arkansas to assist organizations that provide spay and neuter services. The existing program has a cap of \$3,000 per project.

Key Points

The proposed revised rule would increase the maximum amount of matching funds that an applicant may apply for to \$6,000 per project.

Spay and Neuter Pet Grant Program

Act 494 of 2019

Rules

MARK UP

I. Introduction

Pursuant to authority granted by A.C.A. §15-4-209(a)(1) and §15-4-209(b)(5), the Arkansas Economic Development Commission (AEDC) shall administer the Spay and Neuter Pet Grant Program (SNP). Act 494 of 2019 appropriated funds to AEDC's Division of Rural Services to provide grants to organizations that provide spay and neuter services for cats and dogs.

The objective of the program is to provide matching grant funds to cities of the first class, cities of the second class, incorporated towns, unincorporated towns, or counties of the State of Arkansas to assist organizations that provide spay and neuter services for cats and dogs that are in animal shelters or municipal shelters. The goal of the grant is to reduce the over population of cats and dogs as well as reduce the number of animals euthanized in shelters. All project expenditures shall be completed within 12 months after the date of the grant award, unless such date has been extended by AEDC at the request of the grantee.

Contact Information

For more information, please contact:
Arkansas Economic Development Commission
[Director](#), Division of Rural Services, ~~Director~~
1 Commerce Way, [Suite 601](#)
Little Rock, AR 72205 [2](#)
(501) 682-1121

II. Definitions

1. "AEDC" means the Arkansas Economic Development Commission;
2. "Eligible applicant" means a city of the first class, city of the second class, incorporated town, unincorporated community, or county of the State of Arkansas;
3. "Executive Director" means the Executive Director of AEDC;
4. "Ineligible costs" means:
 - A. Costs incurred prior to the eligibility date for incurring project costs as specified in the signed grant agreement;
 - B. Expenditures that are unsupported by documentation;
 - C. Travel not directly related to the project;
 - D. Purchases of material and services that result in benefits accruing to areas outside the State of Arkansas.
5. "Matching funds" means funds that shall be leveraged by the grantee, in an amount of no less than 50% of the amount of the total project costs. Matching funds may be comprised of local county or

municipal funds, private funds, or in-kind goods and/or services, including goods and services donated by private individuals and organizations;

6. "Review committee" means an ad hoc committee comprised of at least three (3) AEDC staff members, with grant review and administration experience, selected by the Executive Director of the Arkansas Economic Development Commission, or his or her designee, to review and recommend for funding applications submitted by eligible applicants under the SNP;
7. "Rural communities or cities" means a city of the first class, city of the second class, incorporated town, unincorporated community having a population of 3,000 or less as determined by the most recent census data provided by the United States Census Bureau;
8. "Rural county" means any county in the State of Arkansas having a population of 55,000 or less as determined by the most recent census data provided by the United States Census Bureau.

III. The Spay Neuter Grant Program

The AEDC may utilize any funds legally appropriated and available to the Spay Neuter Grant Program to provide grants to eligible applicants for eligible projects to provide assistance to organizations that provide spay and neuter services for cats and dogs that may be adopted at local animal shelters and municipal shelters. Applicants may apply for a grant with a minimum amount of \$1,500 and a maximum amount of \$36,000. The goal of the program is to assist cities of the first class, cities of the second class, incorporated towns, unincorporated towns, unincorporated communities, or counties in the State of Arkansas to reduce the over population of cats and dogs and to reduce the number of cats and dogs that are euthanized in animal and municipal shelters in the state. When awarding grants, priority will be given to rural communities, rural cities and rural counties. The SNP program requires matching funds of at least 50% of the total project costs. Matching funds may be comprised of local county or municipal funds, private funds, or in-kind goods and/or services. Non-profit organizations that have 501 (c) 3 status, and that are in good standing with the IRS and the State of Arkansas are encouraged to partner with their local government to support an application for SNP funding.

IV. Eligibility

Applicant eligibility requirements include the following:

1. The applicant is a city of the first class, city of the second class, incorporated town, unincorporated community, or county located in the State of Arkansas;
2. The applicant has submitted a completed application, on forms supplied by AEDC, that has been signed by the governing official authorized by the applicant's jurisdiction to conduct business on its behalf;
3. The application is for costs associated with spaying and neutering of cats and dogs and the program meets the objective of SNP;
4. Requested funding is for eligible project costs;
5. The amount of funding available to any one (1) project in any state fiscal year shall be a minimum amount of \$1,500 and a maximum amount of \$36,000 as matching funds;

6. The application is accompanied by a resolution passed by the city council or quorum court, whichever is appropriate, instructing the governing official authorized by the applicant's jurisdiction to conduct business on its behalf to apply for SNP funding; and
7. The applicant shall complete the application submittal and review processes delineated in Sections V and VI of these rules.

V. Application Submittal Process

Potential applicants for SNP shall submit two (2) completed applications signed by the governing official authorized by the applicant's jurisdiction to conduct business on its behalf, in accordance with AEDC submittal instructions, utilizing forms provided by AEDC.

Applications shall include:

1. The name, address, and phone number of the applicant;
2. The contact person's name, title, and contact information;
3. Sources(s), amount(s), and uses(s) of AEDC and non-AEDC funds, including a completed budget delineating cost estimate breakdowns and backup documentation for all items;
4. A brief description of the project;
5. A statement of project need, including a discussion of any emergency or urgent needs to be addressed by the project;
6. A list of beneficiaries of the proposed project, how they will benefit, and how they will utilize the project;
7. A signed certification letter from the governing official authorized by the applicant's jurisdiction to conduct business on its behalf agreeing to accept responsibility for administering any grant award;
8. A copy of the current veterinary license of each veterinarian that will perform spay and neuter procedures;
9. If an applicant is partnering with a non-profit organization, documentation that verifies the non-profit has 501 (c) 3 status and is in good standing with the IRS, the State of Arkansas, and the local governmental entity;
10. A copy of a signed resolution passed by the city council or quorum court authorizing the local elected official to apply for SNP funds on behalf of the local jurisdiction; and
11. Other information as requested by AEDC.

VI. Application Review and Approval Process

No financial commitment shall be made by the Executive Director, or his or her designee, to an applicant until the applicant has completed the following AEDC review and approval process.

1. All applications will be date-stamped and reviewed in order of receipt by the Review Committee, assigned by the Executive Director, or his or her designee, for completeness and eligibility, including a determination that:
 - A. The applicant is a city of the first class, city of the second class, incorporated town, unincorporated community, county, or governmental entity of the State of Arkansas;
 - B. The application is complete, signed, and includes all attachments;
 - C. The scope of the project meets the definition of an eligible project;

- D. The sources and uses of funds are sufficient to ensure the successful completion and initial operation of the project; and
- E. Project costs are eligible for funding.
 - I. Ineligible costs include:
 - a. Costs incurred prior to the eligibility date for incurring project costs as specified in the signed grant agreement;
 - b. Expenditures that are unsupported by documentation
 - c. Travel not directly related to the project;
 - d. Purchases of material and services that result in benefits accruing to areas outside the State of Arkansas;
- 2. Applicants from rural communities and counties will receive priority for SNP grant funding consideration.
- 3. Applicants may be subject to an interview or site visit, or both, during the application review process.
- 4. The Review Committee may ask applicants for additional information before recommending projects for funding.
- 5. The Review Committee will provide a project summary of each project reviewed to the Executive Director, or his or her designee.
- 6. The Executive Director, or his or her designee, may seek the advice of boards and commissions advising AEDC or other officials with subject matter expertise in making final funding decisions.
- 7. The Executive Director, or his or her designee, will specify which applicants may receive funding.
 - A. Unsuccessful applicants will be notified in writing by the Executive Director, or his or her designee.
 - B. Approved applicants will be required to execute a grant agreement with AEDC outlining the amount, terms and conditions of the grant.
- 8. Grant funds will be disbursed to successful applicants.
- 9. All project expenditures shall be completed within twelve (12) months after the date of the grant award, unless such date has been extended by AEDC at the written request of the grantee;
- 10. A final report including cancelled checks and receipts of all funds expended, including the expenditure of matching funds, along with the state's portion of any unspent funds, shall be submitted to AEDC no more than sixty (60) days following the project's completion or within the twelve (12) month period of the grant award, or other date as approved by AEDC, whichever comes first; and
- 11. If a city or county does not close out the grant within twelve (12) months of receiving the funds no future grants will be awarded until the close out has been completed.

VII. Grant Agreement

- 1. All SNP grants shall be awarded at the discretion of the Executive Director of AEDC. The grant agreement shall specify:
 - A. The eligibility date for incurring project costs;
 - B. The date by which the grantee shall complete the SNP funded portion of the project;
 - C. Terms and conditions of the grant agreement;

- D. The amount of approved costs, determined through negotiations with AEDC and the applicant;
 - E. The process by which grant funds shall be disbursed to the grantee.
- 2. The amount of the grant shall be discretionary and may be for amounts less than requested and subject to funding availability.
- 3. Grants may be funded from any source of funds allocated to the SNP.
- 4. Grants will be executed according to the following process:
 - A. Two original copies of the grant agreement will be prepared by AEDC and forwarded to the grantee for signature and return.
 - B. Upon receipt of the signed grant agreements from the grantee, AEDC will prepare an approval letter and forward the grant agreement and the approval letter to the AEDC Executive Director for signature.
 - C. One original copy of the grant agreement will be forwarded to the grantee with the approval letter.

VIII. Rulemaking Authority

The Arkansas Economic Development Commission has rulemaking authority, at §15-4-209(a)(1) and §15-4-209(b)(5), to promulgate rules necessary to implement Act 494 of 2019.

IX. Effective Date

This Rule is effective after review and approval by the Arkansas Legislative Council, ten (10) days after filing of the approved Rule with the Arkansas Secretary of State.

Notice of Rulemaking and Public Hearing

The Rural Services Division of the Arkansas Economic Development Commission (AEDC) is soliciting public comments on a proposed revised administrative rule for the Spay and Neuter Pet Grant Program. The revised rule would increase the maximum amount of funding that a qualified program applicant may apply to receive.

A public hearing for the proposed revised rule will be held at 10:30 am on October 1, 2021, at the Arkansas Department of Commerce, Riverview Conference Room, 2nd Floor, 1 Commerce Way, Little Rock, Arkansas 72202.

The objective of the program is to provide matching grant funds to cities of the first class, cities of the second class, incorporated towns, unincorporated towns, or counties of the State of Arkansas to assist organizations that provide spay and neuter services for cats and dogs that are in animal shelters or municipal shelters. The proposed rule was filed with the Secretary of State on August 31, 2021.

The proposed rule is available at www.ArkansasEDC.com/data-reports/rules or may be obtained by calling (501) 682-2460. Written comments may be submitted through October 1, 2021, by mailing them to Arkansas Economic Development Commission, Policy & Legislative Affairs Division, 1 Commerce Way, Suite 601, Little Rock, Arkansas 72202 or via email at AEDC.SNP.Rules@Arkansas.gov.

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY _____
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ FAX NO. _____ E-MAIL _____
NAME OF PRESENTER AT COMMITTEE MEETING _____
PRESENTER E-MAIL _____

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
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
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?

2. What is the subject of the proposed rule?

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? _____

When does the emergency rule expire? _____

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 rule.

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.

7. What is the purpose of this proposed rule? Why is it necessary?

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).

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.)

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

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. _____

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____

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 _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

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

Next Fiscal Year

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

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

Total _____

Total _____

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

Current Fiscal Year

Next Fiscal Year

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

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

Total _____

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

Next Fiscal Year

\$ _____

\$ _____

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

Next Fiscal Year

\$ _____

\$ _____

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.