

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
John Thurston  
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Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



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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 \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT \_\_\_\_\_  
BOARD/COMMISSION \_\_\_\_\_  
BOARD/COMMISSION DIRECTOR \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE NO. \_\_\_\_\_ EMAIL \_\_\_\_\_  
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING \_\_\_\_\_  
PRESENTER EMAIL(S) \_\_\_\_\_

**INSTRUCTIONS**

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, [miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov), for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov), for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

\*\*\*\*\*

1. What is the official title of this rule?  
\_\_\_\_\_
2. What is the subject of the proposed rule? \_\_\_\_\_
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes      No

*If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).*

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes      No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? \_\_\_\_\_

On what date does the emergency rule expire? \_\_\_\_\_

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?  
Yes      No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes      No

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

*Please be sure to advise Bureau Staff if this information changes for any reason.*

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. \_\_\_\_\_

15. What is the proposed effective date for this rule? \_\_\_\_\_

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

Proofs of notice and publication will be included in the filing for permanent promulgation.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

These proofs will be included in the filing for permanent promulgation.

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes      No

If yes, please explain.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** \_\_\_\_\_  
**BOARD/COMMISSION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** \_\_\_\_\_ **EMAIL** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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 \_\_\_\_\_  
 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, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to a state, county, or 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.



# Executive Summary

## Proposed Rule Regarding Method of Administering the Pregnancy Help Organizations Grant Sub-Fund

September 27, 2023

### **PURPOSE**

The Arkansas Department of Finance and Administration is seeking Governor Sarah Sander's review of the proposed rule to administer the Pregnancy Help Organizations 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 622 of the 2023 General Session, 94<sup>th</sup> General Assembly, the Secretary of the Department of Finance and Administration, with the approval of the Governor, will administer the Pregnancy Help Organizations 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 Help Organizations 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 help organizations preserve public peace, health, and safety by providing a range of services to individuals facing unintended pregnancies. These pregnancy help organizations 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,

Proposed Rule DFA.IGS.003. METHOD OF ADMINISTERING THE PREGNANCY  
RESOURCE CENTER GRANT PROGRAM

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Per the BLR Questionnaire, item #7, these written findings are filed simultaneously with the financial impact statement:

- (1) a statement of the rule's basis and purpose;

The basis and purpose of the rule is to promulgate procedures to administer the Pregnancy Resource Grant Program in accordance with Act 622 of the 2023 Regular Session, 94<sup>th</sup> General Assembly. DFA is responding to the requirement of the General Assembly to administer the grant program.

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

Act 622 of the 2023 Regular Session, 94<sup>th</sup> General Assembly, establishes the Pregnancy Help Organization Grant Program to allow for sub-grants to Pregnancy Help Organizations within the State of Arkansas. DFA is responding to the requirement of the General Assembly to promulgate rules to administer the grant program.

- (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;

DFA is responding to the requirement of the General Assembly to promulgate procedures to administer the Pregnancy Resource Grant Program in accordance with Act 622.

- (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;

There are no known, less costly alternatives.

- (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;

Not applicable.

- (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

Not applicable.

- (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.

DFA will review the necessity and sufficiency of the rule at least annually.

Proposed Rule DFA.IGS.003. METHOD OF ADMINISTERING THE PREGNANCY  
HELP ORGANIZATIONS GRANT PROGRAM

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, 94<sup>rd</sup> 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, 94<sup>th</sup> 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, 94<sup>th</sup> General Assembly.

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Jim Hudson, Secretary  
Arkansas Department of Finance and Administration

Date: September 27, 2023

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, 94<sup>rd</sup> 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, 94<sup>th</sup> 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, 94<sup>th</sup> General Assembly.

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Jim Hudson, Secretary  
Arkansas Department of Finance and Administration

Date: September 27, 2023

## **Proposed Rule: Pregnancy Help Organizations Grant**

The Department of Finance and Administration, Office of Intergovernmental Services (DFA/IGS) follows the Administrative Procedure Act (APA) to adopt, amend, or repeal a rule. DFA/IGS values public comments on proposed rules. Comments may be submitted to [igsclearinghouse@dfa.arkansas.gov](mailto:igsclearinghouse@dfa.arkansas.gov). The public comment period for the proposed rule is from October 13, 2023, through November 12, 2023.

If DFA/IGS receives comments on this proposed rule, a Public Comment Summary with all comments and responses will be published on the DFA/IGS web page after the comment period ends.

The DFA/IGS is proposing this rule to effectively allow for distribution of funds to Pregnancy Help Organizations in accordance with date of Act 622 of the 2023 General Session, 94th General Assembly. A full copy of the proposed rule may be accessed at the following website: [Intergovernmental Services | Department of Finance and Administration \(arkansas.gov\)](https://www.arkansas.gov/intergovernmental-services/) The proposed effective date of the rule is December 15<sup>th</sup>, 2023.

**From:** [Janis Bartlett](#)  
**To:** [legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)  
**Cc:** [Felisha Conner](#); [Doris Smith](#)  
**Subject:** Notice  
**Date:** Thursday, October 12, 2023 9:49:28 AM  
**Attachments:** [IGS Rule 10.12.23.docx](#)

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DFA requests that the attached notice be published for there-consecutive days in the Arkansas Democrat-Gazette beginning October 13, 2023-October 15, 2023. Please apprise us of any applicable fees. Thank you.



**Jan Bartlett**  
Arkansas Department of  
Finance and Administration  
Office of the Secretary  
General Counsel  
Office: 501.682.5174  
[Janis.Bartlett@dfa.arkansas.gov](mailto:Janis.Bartlett@dfa.arkansas.gov)  
<https://www.dfa.arkansas.gov/>

**From:** [Felisha Conner](#)  
**To:** [Arkansas Register](#)  
**Cc:** [Jasmine Williams](#)  
**Subject:** RE: Notice for Publication and Copy of proposed rule for promulgation by the DFA/IGS  
**Date:** Thursday, October 12, 2023 1:31:00 PM  
**Attachments:** [SOS Transmittal Sheet-signed.pdf](#)  
[IGS Rule 10.12.23 Public Notice.pdf](#)  
[Act 622 Rule.pdf](#)

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Please find attached a transmittal sheet, a notice for publication on the Internet, and a copy of the proposed rule for promulgation by the DFA/IGS. Please let me know if there are questions or concerns.

Thank you.

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**From:** Jasmine Williams <jasmine.williams@sos.arkansas.gov>  
**Sent:** Thursday, October 12, 2023 10:37 AM  
**To:** Janis Bartlett <Janis.Bartlett@dfa.arkansas.gov>; Arkansas Register <ArkansasRegister@sos.arkansas.gov>  
**Cc:** Felisha Conner <Felisha.Conner@dfa.arkansas.gov>; Doris Smith <Doris.Smith@dfa.arkansas.gov>  
**Subject:** RE: Notice for Publication and Copy of IGS Rule

This message originated **outside DFA**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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Please attach a transmittal sheet and resubmit.

Best regards,

Jasmine Williams

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**From:** Janis Bartlett <[Janis.Bartlett@dfa.arkansas.gov](mailto:Janis.Bartlett@dfa.arkansas.gov)>  
**Sent:** Thursday, October 12, 2023 10:30 AM  
**To:** Arkansas Register <[ArkansasRegister@sos.arkansas.gov](mailto:ArkansasRegister@sos.arkansas.gov)>  
**Cc:** Felisha Conner <[Felisha.Conner@dfa.arkansas.gov](mailto:Felisha.Conner@dfa.arkansas.gov)>; Doris Smith <[Doris.Smith@dfa.arkansas.gov](mailto:Doris.Smith@dfa.arkansas.gov)>  
**Subject:** Notice for Publication and Copy of IGS Rule

## External Message

Please find attached a notice for publication on the internet and a copy of the proposed rule for promulgation by the DFA/IGS. Please let me know if there are questions or concerns.

Thankyou.



**Jan Bartlett**

Arkansas Department of  
Finance and Administration  
Office of the Secretary  
General Counsel

Office: 501.682.5174

[Janis.Bartlett@dfa.arkansas.gov](mailto:Janis.Bartlett@dfa.arkansas.gov)

<https://www.dfa.arkansas.gov/>

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

## 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.

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10 */s/Flippo*

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13 **APPROVED: 4/11/23**  
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