

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

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Little Rock, Arkansas 72201-1094
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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Parks & Tourism

Department Tourism Division

Contact Kristine Puckett E-mail kristine.puckett@arkansas.gov Phone 501-682-5240

Statutory Authority for Promulgating Rules Act 988 of 2015 (ADPT Appropriation Bill) Section 12, Item 7 & Section 29

Rule Title: Festival Advertising Grants

Intended Effective Date

(Check One)

Emergency (ACA 25-15-204)

10 Days After Filing (ACA 25-15-204)

Other January 1, 2016
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislatice Council.....

Adopted by State Agency.....

Date

August 3-5, 2015

September 1, 2015

October 12, 2015

October 15, 2015

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Kristine Puckett

kristine.puckett@arkansas.gov

October 15, 2015

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-682-1088

joedavid.rice@arkansas.gov

Phone Number

E-mail Address

Tourism Director

Title

October 15, 2015

Date

**ARKANSAS DEPARTMENT OF PARKS & TOURISM
FESTIVAL ADVERTISING GRANTS PROGRAM**

STATEMENT OF INTENT:

It is the intent of this grant program to supplement the advertising of festivals run by small cities or communities that have minimal advertising funds.

Incorporated Arkansas cities with a population of less than 10,500, as established by the most recent census, or unincorporated communities (applying through the county) are eligible to apply. Entities awarded grants will become vendors of the state. No more than one grant may be awarded to a city/community per fiscal year.

To be eligible, the festival must be open to the public, have no charge for admission (either by money, donation, or otherwise), and must be a recurring annual event in existence for at least one year prior to applying for the grant.

\$150,000 will be divided equally among the six Destination Marketing Areas (DMAs) as defined by Arkansas Department of Parks and Tourism. If there is a shortage of qualified grant applications in a DMA, the funds can be distributed to other DMAs.

Grants will be awarded in increments of \$50, with a minimum of \$500 and maximum of \$2,000. Grant recipients will be reimbursed for 2/3 of the advertising expenses up to, but not to exceed, the grant amount. Payment will be made after grant recipient has provided all required documentation to the Arkansas Department of Parks and Tourism.

There will be one grant period per fiscal year. In the first year, grants will be awarded for advertising purchased between January 1 and June 30, 2016. Original applications must be received in full by 5:00 p.m. on November 13, 2015. Grant recipients will be notified on or before December 31, 2015.

In subsequent years, original applications must be received in full by 5:00 p.m. on March 1. Grant recipients will be notified on or before May 1, with funding to be available July 1 for advertising purchased between July 1 and June 30 of the following year.

Applications will be reviewed by a committee appointed by the executive director of the Arkansas Department of Parks & Tourism to include, but not be limited to, Tourism Division employees and a representative of the Arkansas Festivals & Events Association board of directors. The committee will present recommendations to the ADPT executive director for final decision.

Applications should be typewritten. All applications must be accompanied by the festival's operational budget, an itemized advertising plan, a statement of the minutes or administrative order from the governing city or county board approving the grant request, and a statement affirming the amount of funds held by or committed for the purchase of said advertising.

Funds must be used to buy advertising – magazine, newspaper, radio, television, online, posters, flyers, or billboards. Purchase of supplies, clothing, or other items that could be used for resale will not be approved for funding.

All advertising purchased with grant money, excluding billboards, must include the following statement. In print advertising, the statement must be no smaller than 8 point. In audio advertising, the statement must not be under 5 seconds in duration.

This ad paid for in part by AR Dept. of Parks & Tourism. For more information on festivals in Arkansas, visit Arkansas.com.

Billboard ads must include the following statement large enough to be legible from the highway.

Visit Arkansas.com for more events in The Natural State!

To disperse payment of grant, the Arkansas Department of Parks and Tourism must receive all required documentation no later than thirty (30) calendar days after the conclusion of the festival. For advertising that runs or is purchased on or after May 15, the documentation must be received before June 28 to be processed and paid by end of fiscal year. Failure to meet required deadlines will result in forfeiting grant funding. To request payment of grant, the grant recipient must provide each of the following to the Arkansas Department of Parks and Tourism:

- Request for payment form, completed and signed by grant recipient.
- Invoice made out to the grant recipient (city/county) from the service provider.
- Proof of payment from grant recipient (city/county) to the service provider.
- Proof of performance.

The following will serve as proof of performance.

- Newspapers/Magazines – Original tear sheets of the page where the ad was placed. The sheet should have the publication name and issue date on it. If the publication name and issue date are not on the tear sheet, the entire issue must be provided.
- Radio/Television – Performance affidavits signed by the station manager and signed and stamped by a notary. A digital copy of the ad as it ran on the station.
- Billboard – A photo of the ad on the billboard at the location plus the invoice verifying the location and dates of display.
- Poster/Flyer – An original of the poster/flyer.
- Online Ads – A screenshot of the ad as it appears on the site to include the URL. Analytics for the length of the ad run, as provided by the service provider, to include but not be limited to exit links to festival site and page views.

If an advertising agency is used, the agency invoice made out to the grant recipient (city/county) must also be provided.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Parks and Tourism
DIVISION Tourism Division
DIVISION DIRECTOR Joe David Rice
CONTACT PERSON Kristine Puckett
ADDRESS 1 Capitol Mall, Suite 4A-900, Little Rock, AR 72201
PHONE NO. 501-682-1926 **FAX NO.** 501-682-2523 **E-MAIL** kristine.puckett@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Kristine Puckett
PRESENTER E-MAIL kristine.puckett@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? Festival Advertising Grants

2. What is the subject of the proposed rule? Establishing grant funding for festival advertising

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 regulation. The festival grants will supplement the advertising of festivals run by small cities or communities that have minimal advertising funding.

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 988 of 2015 (Arkansas Department of Parks & Tourism Appropriation Bill) Section 12, Item #7 & Section 29

7. What is the purpose of this proposed rule? Why is it necessary? Special language was written to provide for advertising grants for small festivals.

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). www.ADPTFOI.com

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

If yes, please complete the following:

Date: September 1, 2015

Time: 11:00 a.m.

Place: 603 South Pulaski St., Little Rock, AR

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

September 1, 2015

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

January 1, 2016

12. Do you expect this rule to be controversial? Yes No

If yes, please explain.

13. 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 Parks and Tourism

DIVISION Tourism Division

PERSON COMPLETING THIS STATEMENT Kristine Puckett

TELEPHONE NO. 501-682-1926 **FAX NO.** 501-682-2523 **EMAIL:** kristine.puckett@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 Festival Advertising Grants

- 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 _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

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

\$ 150,000

\$ 150,000

This grant program provides 2/3 matching grants to city/county governments.

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.