

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 Department of Arkansas Heritage

Department _____

Contact Rebecca Burkes E-mail rebecca.burkes@arkansas.gov Phone 501 324 9150

Statutory Authority for Promulgating Rules ACA 25-15-203 / 25-3/101

Rule Title: Small Museum Grant Program

Intended Effective Date
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published

06/11/2017

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

Final Date for Public Comment

07/17/2017

☐ Other
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council

09/12/2017

Adopted by State Agency

11/01/2017

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

Contact Person

E-mail Address

Date

FILED
AR REGISTER DIV.
2017 OCT 12 PM 2:59

MARK MARTIN
SECRETARY OF STATE
STATE OF ARKANSAS

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.)

Rebecca Burkes

Signature

501 324 9150

Phone Number

rebecca.burkes@arkansas.gov

E-mail Address

Deputy Director, DAH

Title

10/12/17

Date

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

DEPARTMENT/AGENCY Department of Arkansas Heritage
DIVISION _____
DIVISION DIRECTOR DAH Director Stacy Hurst
CONTACT PERSON Rebecca Burkes
DEPARTMENT/AGENCY Department of Arkansas Heritage
ADDRESS 1100 North Street, Little Rock, AR 72201
PHONE NO. 501-324-9150 FAX NO. 501-324-9154 EMAIL rebecca.burkes@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Rebecca Burkes
PRESENTER E-MAIL rebecca.burkes@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

LRC-1

1. What is the short title of this rule? Small Museum Grant Program
2. What is the subject of the proposed rule? The rule contains guidelines for administering the grant program, who is eligible, how applications are evaluated and the timeline for decision.
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? N/A

When does the emergency rule expire? N/A

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 rule seeks to establish guidelines under which the Small Museum Grant Program will operate. Applications are voluntary.

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. ACA 25-15-203 / ACA 25-3-101

7. What is the purpose of this proposed rule? Why is it necessary? The rule establishes the guidelines and process for the administration of a grant program to provide operating support to small museums in Arkansas. The rule includes items such as who is eligible to apply for the grant, how applications are evaluated, documentation required by the applicant and the timeline for application and decision. Applications are voluntary.

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.arkansasheritage.com

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.)

(30 days after filing with Legislative Council) July 17, 2017

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

August 1, 2017

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

13. If yes, please explain. _____

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 Department of Arkansas Heritage

DIVISION _____

PERSON COMPLETING THIS STATEMENT Rebecca Burkes

TELEPHONE NO. 501-324-9150 FAX NO. 501 324-9154 EMAIL: Rebecca.burkes@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 Small Museum 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) _____

Next Fiscal Year

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

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, 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

\$0 _____

Next Fiscal Year

\$0 _____

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) ustifies 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.

Rule Summary

Small Museum Grant Program

This rule establishes the guidelines and process for the administration of a grant program to provide operating support to small museums in Arkansas. The rules includes items such as who is eligible to apply for the grant, how applications are evaluated, documentation required by the applicant and the timeline for application and decision. The maximum award per applicant is \$2,500.

Legal Notice Ad

The Department of Arkansas Heritage is instituting a grant program designed to support operations of small museums located in communities around the state who maintain exhibits and collections and provide interpretation, and programming related to one or more eras of Arkansas history.

The Department is accepting public comment on the grant application rules and procedures through July 17, 2017. Interested persons may review the rules online and email comments to info@arkansasheritage.com. The rules are located online at www.arkansasheritage.com. Written comments may be returned to Small Museums Grant Program, Department of Arkansas Heritage, 1100 North Street, Little Rock, AR 72201. Phone: (501) 324-9150.



THE DEPARTMENT OF ARKANSAS
HERITAGE

Small Museum Grant Program

The Department of Arkansas Heritage

Since 1975, the Department of Arkansas Heritage has been charged with discovering, strengthening, protecting and preserving Arkansas's natural and cultural heritage. To fulfill its mission, the department coordinates the following natural and cultural heritage resource areas:

The Heritage Museums: Museums research, preserve, present and interpret historic structures, objects and natural and cultural assets. They serve as a partner in education with public and private schools throughout Arkansas. The department's four museums are the **Delta Cultural Center**, **Historic Arkansas Museum**, **Mosaic Templars Cultural Center** and **Old State House Museum**.

The Heritage Resource Agencies: The **Arkansas Natural Heritage Commission** identifies, protects and promotes areas that best exemplify Arkansas's rich heritage of biological diversity. These areas might be habitat for rare or disappearing species, or natural communities such as a tallgrass prairie or a river and its dependent aquatic system. The **Arkansas Arts Council** and the **Arkansas Historic Preservation Program** are conduits for federal and state grant money, and they provide technical assistance for developing and conserving Arkansas's cultural resources. They preserve and promote Arkansas's cultural resources including Arkansas's fine and traditional arts and historic structures, landscapes and archeological sites. The **Arkansas State Archives** collect and preserve the official records and historical materials for the state of Arkansas. These include state, county, and federal records, manuscript materials, newspapers, military records, family histories, an extensive Arkansas history and genealogy library, and a collection of Arkansas art and artifacts.

Guidelines for Small Museum Grant Program

Grant Program Goals

The Department of Arkansas Heritage has set these goals for Small Museum Grants:

- Promote education, awareness and enjoyment of Arkansas history
- Increase ability of community-based small museums/organization to research, preserve, present and conserve Arkansas history

Who May Apply

The following are the types of museums/organization that are eligible to apply:

- History Museums
- Historical Societies
- Historic Houses and Sites
- Military Museums

Evaluation Criteria

The Small Museum Grant Program is funded by the one-eighth cent conservation tax which is a limited source. Not every applicant can be funded. The maximum grant award is \$2,500. All, part, or none of the applicant's request may be awarded.

General Conditions

There are five general conditions for eligibility in the Small Museum Grant Program:

- The museum must have an annual operating budget of \$250,000 or less.
- The museum must have a staff of at least one person qualified with museum training, knowledge and experience.
- Staff may be paid or volunteer. The museum staff must devote time primarily to the care of the museum and its collections.
- The museum must be open to the public at least 90 days per year.

Additional Requirements

To be considered for a Small Museum Grant, the applicant must meet the following requirements:

- Recipient must be located in Arkansas.
- Recipient must have tax exempt status (501(c)(3)) with the IRS or be part of a nonprofit organization.
- Recipient may receive no state or federal funds for operating costs.
- Recipient must have a strong educational component to the museum's/organization's programming. Educational programming should be designed to benefit the general public.
- Recipient must have a formally stated and board approved mission statement and bylaws.
- Recipient must use and interpret objects and/or a site for the public presentation of regularly scheduled programs and exhibits.

- Recipient must have a formal and appropriate program of documentation, care, and use of the collections and/or objects.
- Recipient must carry out the above functions primarily at a physical facility or site.
- Recipient must have been operational and open to the public for at least two years.
- Recipient must have a full-time director to whom authority is delegated for day-to-day operations.

Eligible Activities

Small Museums Grants can be used to underwrite an eligible museum's general operating expenses. The following expenses are eligible for inclusion within the grant application:

- Conservation materials
- Building and grounds maintenance
- Operating costs for utilities and HVAC
- Equipment purchase (\$1,000 limit)
- Accessioning of artifact collections
- Research
- Website design and maintenance
- Exhibits
- Interpretation (brochures, educational programming and exhibits)
- Educational programs for K – 12 grade students or adults
- Printing, publicity and marketing
- Postage and telephone
- Travel and transportation
 1. In-state travel for research and training
 2. Lodging for museum staff only
 3. Transportation costs required for research and training must be itemized, stated in the form of roundtrip miles, and not exceed the state government rate per round trip mile
 4. Meals for paid and non-paid museum staff
- Staff Training
 1. Museum practices and standards
 2. Archival training
 3. Interpretive training
 4. Collections management

Ineligible Activities

- Small Museum Grants may not be used to fund the following:
- Acquisitions of objects for the collections
- Capital improvement projects
- Salaries
- Projects that serve a religious purpose or promote religious principals
- Exhibitions or public programs that are not available to the general public or taking place outside of the state of Arkansas
- Prizes and awards
- Expenses for entertainment

- Any state or federal funded museums
- Food for special or continuing programs

Application Timeline

- Notice of Grant Opportunity will be posted on the Department of Arkansas Heritage website at least 60 days before Small Museum Grant submission deadline.
- Submission deadline will be announced in Notice of Grant Opportunity.
- Deadline for revisions or additional material will be 30 days after submission deadline.
- Grants will be awarded within 60 days of application submission deadline.
- Funds will be available 15 days following the award date.

Decision Process

Small Museum Grant applications will be reviewed and evaluated against the goals, evaluation criteria and eligible activities of the Small Museum Grant Program by a panel of three or more individuals to be appointed by the Director of the Department of Arkansas Heritage. The panel will include the State Historian or his/her designee. This panel will make the funding decisions.

Application – Small Museum Grant Program

1. Name, address, county, and telephone number of applicant organization, website (if applicable) and normal hours of operation.

2. Project Director's name, address, email and telephone number (if different from above)

3. Amount of Grant Request (\$2,500 maximum)_____

4. Proposed Grant Period (The period during which grant funds will be spent and the project will take place)

From _____ To _____
Month Day Year Month Day Year

5. Executive Director/President of Organization and Project Director

_____ Name	_____ Signature	_____ Title	_____ Telephone
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_____ Name	_____ Signature	_____ Title	_____ Telephone
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To Apply

The Notice of Grant Opportunity will specify method for submitting application. Applications will be accepted as stated in the Notice of Grant Opportunity. This will be either via the Department of Arkansas Heritage online grant portal or via paper application.

All applicants will be asked to provide the following information:

Brief History of Museum or Historical Society

Provide a brief history of the museum or historical society, include information as to the date of establishment, the organization's mission statement, the era(s) of Arkansas history that is the focal point of the museum or historical society, and a brief overview of the contents of exhibits, collections, interpretation, and programming.

- 1. Description of proposed project.** (Provide specifics as to what is to be accomplished during the grant period.)
- 2. Planning** (Tell us how the project was planned. Be specific about how humanities scholars/museum experts were involved in the planning.)
- 3. List the humanities scholar(s)/museum expert(s) and their field, and briefly explain what they will do.** (These individuals have expertise through formal education and through research, writing, and teaching in the humanities, knowledge of archival practices, museum collections management, museum operations. A humanities scholar is recognized by fellow scholars as authorities in the humanities and/or museum fields.)
- 4. Identify the audience to be served by this project and explain how they will benefit.** (Include an estimate of the number of people to be served if applicable.)
- 5. Describe the plan for publicity and/or distribution** (If applicable)
- 6. Describe the evaluation plan for assessing how well the project achieved its objectives.** (Include a measurable form of assessment to determine the outcome of the success of the project.) **Note: These are not goals, but measurable objectives.**
- 7. List the name and affiliation of each member of the evaluation committee.** (It is advisable to have a diverse number of individuals to evaluate the project. Evaluation

committee members may include the project director, humanities scholar, museum patrons, audience members, etc.)

8. Budget

- There are no cost-share requirements.
- Provide an itemized list of expenditures which includes each item, a unit cost, quantity, and a total amount.
- Shipping and handling and sales tax may be included in the itemized list of expenditures.
- Please list any external funds that make up cost-share for the project.
- List all individuals to receive honoraria by name, amount to be received and a total amount.
- All those to receive travel reimbursement should be listed individually, provide the “from and to” locations, a unit cost per mile, and a total amount.
- Itemize all supplies and materials, printing and duplicating, postage and telephone. Include the item, a unit cost, quantity, and a total amount.
- Include equipment that may be purchased or rented and the cost involved. Include a justification for the rental or the purchase of equipment, and provide a statement as to how the equipment will be used following the completion of the project.
- Itemize all advertising including the advertising venue, cost, and number of runs.
- Provide a total amount for each budgetary item and a cumulative total.

9. Provide organization’s mission statement, bylaws and evidence of tax exempt status. (e.g. copy of IRS tax exemption determination letter)

10. Attach signed Certification of Use of Funds and Supplemental Grant Information

Department of Arkansas Heritage - Small Museum Grant Program

Certification for Use of Funds

I certify, to the best of my knowledge and belief, that all criteria and pre-conditions established in the application requesting funds for my organization have been met. I further certify that any funds received in accordance with the Small Museum Grant Program will be used specifically for the purposes listed in the grant award.

(Name of Organization)

(Date)

(Signature*)

(Title)

(Print Name)

*Individual with legal authority to bind organization to the proposed project

Supplemental Grant Information

You must provide the following information pertaining to the location (city, county, district) of the project for which you are applying for funding. Submit this form along with your grant application. Please contact your county clerk's office at your local county courthouse if you do not know who your local government officials are.

Applicant Museum/Organization Name: _____

Applicant's Address: _____

Applicant's City/County: _____

Governing Mayor: _____

County Judge: _____

State Senator: _____

State Representative: _____

*Please note that some cities have multiple districts; please list the one applicable official.