ARKANSAS REGISTER

Proposed Rule Cover Sheet

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Name of Department Department of Parks, Heritage and Touris

Agency or Division Name Tourism Division

Other Subdivision or Department, If Applicable

Previous Agency Name, If Applicable

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Name of Rule Regional Tourist Associations Grant Program

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Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

Proposed Rulemaking

Title

Promulgated by:
Tourism Division

Title 15. Natural Resources and Economic Development
Chapter XXVI. Tourism Division, Department of Parks, Heritage, and Tourism
Subchapter A. Generally
Part 371. Regional Tourist Associations Grant Program
Subpart 1. Deadlines and Eligibility

15 CAR § 371-101. Fiscal year matching funds deadlines.

(a) At its June 1994 meeting, the State Parks, Recreation, and Travel Commission requested a monthly report, by region, on compliance with matching funds deadline requests.

(b) **May — Wednesday following third Friday.**

(1) Regional budgets due to the Tourism Division of the Department of Parks, Heritage, and Tourism.

(2) All associations will submit a matching funds budget for fiscal year (Fiscal Form 1~~, page XX~~) and a regional annual operational budget (detailed projection of all estimated income and expenses for the fiscal year).

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(c) **July 1.**

(1) Fiscal year opens.

(2) Regional matching funds budgets approved by the division on or before the second Tuesday in July.

(d) **July — Third Friday.** Monthly information for June due to the division.

(e) **August — Third Friday.** Monthly information for July due to the division.

(f) **September — Third Friday.** Monthly information for August due to the division.

(g) **October — Third Friday.** Monthly information for September due to the division.

(h) **November — Third Friday.** Monthly information for October due to the division.

(i) **December — Third Friday.**

(1) Monthly information for November due to the division.

(2) **Mid-year close.**

(A) All projects on the region matching funds budget must be accounted for and reported to the division on Fiscal Form 2 ~~(page XX)~~.

(B) A reminder will be sent to your regional contact person two (2) weeks before deadline.

(3) Letter to request additional funds should be on file by this date.

(4) Deadline to amend region matching funds budget with new, funded projects.

(5) Unobligated funds will be reallocated to eligible regions, with no one (1) region receiving in excess of twenty percent (20%) of the funds.

(j) **January — Third Friday.** Monthly information for December due to the division.

(k) **February — Third Friday.** Monthly information for January due to the division.

(l) **March — Third Friday.** Monthly information for February due to the division.

(m) **April — Third Friday.** Monthly information for March due to the division.

(n) **May — Third Friday.**

(1) Monthly information for April due to the division.

(2)(A) Copies of regional documents (Form 990, board of directors, and current constitution and bylaws) need to be submitted.

(B) A copy of Internal Revenue Service Form 990 "Return of Organization Exempt from Income Tax".

(C) A copy of the region's updated board of directors listing with executive committee members and advertising committee members identified.

(D) A copy of the region's current constitution and bylaws.

(E) A copy of employment letter.

(o) **May — Wednesday following third Friday.**

(1) Regional association annual operational budget for the upcoming fiscal year and a matching funds budget for the upcoming fiscal year (Fiscal Form 1 ~~on page XX~~) are due to the division.

(2) **End-of-year close.** All projects on the region matching funds budget must be accounted for and reported to the division on Fiscal Form 3 ~~(page XX)~~.

(3) Unobligated funds will be reallocated to eligible regions, with no one (1) region receiving in excess of twenty percent (20%) of the funds.

(4)(A) Final requests for payments due to the division.

(B)(i) Requests received after this date run the risk of not being processed prior to the fiscal year end.

(ii) For example, if you inadvertently leave out necessary documentation, there may not be enough time for you to gather it and send it to the division.

(p) **June — Third Friday.** Monthly information for May due ~~in~~ to the division.

(q) **June 30.** Fiscal year ends.

15 CAR § 371-102. Eligibility.

(a)(1) To be eligible for matching funds, a regional tourist promotion agency shall first be incorporated as a nonprofit corporation under ~~Acts 1963, No. 176~~ either the provisions of the Arkansas Nonprofit Corporation Act, Arkansas Code § 4-28-201 et seq., or the Arkansas Nonprofit Corporation Act of 1993, Arkansas Code § 4-33-101 et seq.

(2) The corporation shall be open to all interested citizens and residents of counties comprising a natural planning region of this state.

(3) The membership in the corporation shall represent counties comprising not less than fifty percent (50%) of the total population of the region.

(b)(1) A regional tourist promotion agency:

(A) Has been established in each of the twelve (12) current regions, including all of Arkansas's seventy-five (75) counties; and

(B) Provides that any two (2) or more natural planning regions may merge to form a single regional area of the respective regions.

(2) But no more than one (1) nonprofit corporation will be designated as the regional tourist promotion agency for the combined regions.

(c) A county in one (1) natural planning region may, upon approval of the Tourism Division of the Department of Parks, Heritage, and Tourism and the State Parks, Recreation, and Travel Commission, join an adjacent natural planning region if and when the county tourist values are more closely identified with the other region.

(d)(1) A copy of incorporation papers, constitution, and bylaws of the regional tourist promotion agency, along with a letter of application to be recognized as the tourist promotion agency, will be sent to the division.

(2) When the division determines that the constitution and bylaws are in compliance with the rules established by the division, that applying corporation will be designated as the participating agency for matching funds in the region.

(e)(1) A region may change its name by a vote of a majority of its board of directors and approval from the State Parks, Recreation, and Travel Commission.

(2) However, no region may change its name more than once within a five-year period.

(f) In order to be eligible for participation in the Regional Matching Funds Grant Program, the regional tourist associations agree to comply with all applicable rules as set forth;

(1) ~~in~~In either the provisions of the Arkansas Nonprofit Corporation Act, Arkansas Code § 4-28-201 et seq., or the Arkansas Nonprofit Corporation Act of 1993, Arkansas Code § 4-33-101 et seq.~~,~~;

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- (2) By the State Parks, Recreation and Travel Commission, Arkansas Code § 22-4-101 et seq.; ~~the Publicity and Tourism Act of 1937 (and subsequent revisions),~~ and

(3) In this part.

(g)(1) A regional tourist promotion agency must have at least one (1) board member from each of the counties composing a region as long as an interested party is available in all counties.

(2) Each board member must either reside, own a business, or be employed in the county he or she represents.

Subpart 2. Performance-Based Incentive Plan

15 CAR § 371-201. Goal.

To enhance the timely communication of performance, marketing, and operational data from the regional tourism associations to the Tourism Division of the Department of Parks, Heritage, and Tourism for planning, analysis, and distribution to the regions in a format that will benefit regional strategic planning and information needs.

15 CAR § 371-202. Procedure — Monthly regional information.

(a)(1) Once a month, regional associations will be asked to electronically forward the following information to the Tourism Division of the Department of Parks, Heritage, and Tourism.

(2) This data must be received by the deadlines listed so division staff has the time to analyze and distribute the information to interested individuals.

(3) A Performance Based Incentive Form ~~is~~ will be provided ~~on page XX~~.

(b) The information to be forwarded to the division is:

(1) Minutes of all regional association membership, board of directors, and executive board meetings;

(2) Notification of the date, time, and location of the next scheduled meeting, submitted on the form provided;

(3) The number of inquiries received, submitted on the form provided; and

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(4) A membership update, submitted on an approved form.

(c)(1) At the first of the fiscal year, a matching grant allocation is available to each region.

(2) The amount is equal for each region and subject to:

(A) Budget decisions by the General Assembly and the division; and

(B) Approval by the State Parks, Recreation, and Travel Commission.

(d)(1) If the documentation requested above is received in proper form and content by 5:00 p.m. on the deadline date of each month, the region's grant will remain at the above stated figure.

(2) If the region does not provide the complete documentation requested by the deadline established, the region's budget will be suspended until complete information is received.

(e) Should the region choose not to submit this data after being contacted by the division, its entire regional matching fund may be suspended until information is received.

15 CAR § 371-203. General requests and deadlines.

(a) At any time, the Tourism Division of the Department of Parks, Heritage, and Tourism may ask a regional tourist association for proof of its compliance with the Arkansas Nonprofit Corporation Act, Arkansas Code §§ 4-28-201 – 4-28-206 and 4-28-209 – 4-28-224, ~~and~~ or the Arkansas Nonprofit Corporation Act of 1993, Arkansas Code § 4-33-101 et seq.

(b) Additionally, the division may request input on a variety of topics throughout the year.

(c) A regional tourist association will be expected to provide information specific to its region on tourism-related matters.

15 CAR § 371-204. Use of funds.

It is the responsibility of the regional associations to ensure that the rules are followed for each project before submitting applications for funding.

15 CAR § 371-205. Region brochures.

(a)(1) Brochures promoting and advertising the recreation and travel attractions of the region should be in full color.

(2) A brochure will be considered by the Tourism Division of the Department of Parks, Heritage, and Tourism as an entire unit.

(3) The unit must be clearly travel promotion-oriented, designed to promote the entire region.

(4) No industrial promotion may be made part of any brochure unless the advertisement or promotion is clearly intended to promote tourism, travel, or vacation business within the region.

(b) Out-of-state advertising may be accepted if the following conditions are met:

~~(1) Regions may allow out-of-state ads only if the out-of-state facility is in a county that borders the region;~~

(~~2~~1) Ads from another state tourism office will not be allowed; and

(~~3~~2) Any out-of-state ad must be:

(A) In good taste; and

(B) Approved in advance by the region's board of directors.

(c) In order to ensure that regional tourist promotion agency brochures are in full compliance with the minimum legal requirements of the Matching Funds Program, it is mandatory that the printer's proofs of all regional agency brochures:

(1) Be digitally submitted to and approved by the division prior to printing; and

(2) Shall include all editorial and private sector content.

(d)(1) The brochure's content shall contain no less than forty percent (40%) editorial.

(2) Of the sixty percent (60%) advertising, up to ten percent (10%) can be two-color.

(e)(1) The outside front cover of the regional tourist promotion agency brochures will be for display of nonpaid advertisement of a major tourist attraction or scenic view of the region.

(2) The cover must be previously approved by a majority of the board of directors within the specific association and submitted along with the brochure printer's proofs to the division prior to printing for approval.

(f)(1) All brochures must contain in a prominent location an outline of the state with the individual region comprising all counties clearly defined.

(2) This map will indicate major interstate routes and~~nd~~ primary roads into the region.

(g)(1) Without exception, the Arkansas state outline with region counties and major routes indicated will be made a part of regional materials using matching funds.

(2) This codification must contain the following information in a prominent location:

(A) Date;

(B) Quantity printed;

(C) The words "Printed in USA"; and

(D)~~(i) The~~A statement in 8-point type in final production that must include an acknowledgement of the region and the ~~D~~Tourism Division. ~~, "This brochure is paid for with a combination of state funds and private regional association funds."~~

~~(ii) Regional tourist association name may be substituted for the words "private regional association".~~

Example: If fifty thousand (50,000) brochures or folders are printed in December of 2011, codification would read: "12-11 50M, Printed in USA".

(h) All printer's proofs must also be approved by the division prior to publication.

15 CAR § 371-206. Print and broadcast advertising.

Print and broadcast advertising placed outside of the region will be eligible for matching funds.

15 CAR § 371-207. Performance-based incentive plan — Internet.

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(a)(1) Internet sites promoting and advertising the recreation and travel attractions of the region will be allowed.

(2) The website will be considered by the Tourism Division of the Department of Parks, Heritage, and Tourism as an entire unit.

(3) The unit must be clearly travel promotion-oriented, designed to promote the entire region.

(4) No industrial promotion may be made part of any website unless the advertisement or promotion is clearly intended to promote tourism, travel, or vacation business within the region.

(b) Out-of-state advertising may be accepted if the following conditions are met:

~~(1) Regions may allow out-of-state ads only if the out-of-state facility is in a county that borders the region;~~

(~~2~~1) Ads from another state tourism office will not be allowed; and

(~~3~~2) Any out-of-state ad must be:

(A) In good taste; and

(B) Approved in advance by the region's board of directors.

(c) In order to ensure that regional tourist association websites are in full compliance with the minimum legal requirements of the Matching Funds Program, it is mandatory that a draft copy, print or electronic, of the home page and all additional pages:

(1) Be digitally submitted to and approved by the division in advance; and

(2) Shall include all editorial and private sector content.

(d) The website's content shall contain no less than forty percent (40%) editorial.

(e)(1) All websites must contain in a prominent location an outline of the state with the individual region comprising all counties clearly defined.

(2) This map will indicate major interstate routes and primary roads into the region.

(f)(1) Without exception, the following codification must be made a part of regional materials using matching funds.

(2) The website must contain the following information in a prominent location:

(A) Date created; and

(B)~~(i) The~~ A statement in 8-point type in final production that must include an acknowledgement of the region and the ~~D~~division of ~~T~~tourism Tourism Division.~~"This website is paid for with a combination of state funds and private regional association funds."~~

~~(ii) Regional tourist association name may be substituted for the words "private regional association".~~

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15 CAR § 371-208. In-region advertising media.

(a) Advertising in out-of-region newspapers, magazines, television, radio, and other media that has a circulation or distribution into the State of Arkansas shall not be considered in-region advertising.

(b) Advertising based in-region will be considered on a project-by-project basis when the following is digitally submitted to the Tourism Division of the Department of Parks, Heritage, and Tourism prior to the start of the project:

(1) Name of the media outlet;

(2) Business address of the media outlet;

(3) Media coverage map (print publications and television broadcast); and

(4) An affidavit from the radio station stating that it meets the minimum power requirements of five hundred watts (500 W) for AM stations or three thousand watts (3,000 W) for FM stations (radio broadcast).

(c) In-region advertising projects for regional tourist associations comprising fifteen (15) or more counties will be considered on a project-by-project basis when submitted to the division prior to the start of the project.

15 CAR § 371-209. Outdoor media.

(a) Each project will be considered individually by the Tourism Division of the Department of Parks, Heritage, and Tourism upon submission of proposed design and location prior to initiating the program.

(b) Billboards need not have the statement, "This ad is paid for with a combination of state funds and private regional association funds."

15 CAR § 371-210. Print and digital media kits.

(a) Will contain photographs, news releases, videos, and other promotional materials designed to promote the entire region in either hard copy or digital format.

(b) The project must be approved by the Tourism Division of the Department of Parks, Heritage, and Tourism prior to initiating the program.

15 CAR § 371-211. Travel research projects.

(a) Will be designed to provide accurate data on travel patterns, volume, and expenditures.

(b) All information shall be digitally furnished to the Tourism Division of the Department of Parks, Heritage, and Tourism for its use.

15 CAR § 371-212. Membership fees.

Membership fees in national and/or regional tourist organizations, such as the Arkansas Travel Council and Arkansas Tourism Development Foundation, will be eligible for matching funds.

15 CAR § 371-213. Videos/photography.

Each project will be considered individually by the Tourism Division of the Department of Parks, Heritage, and Tourism upon digital submission.

15 CAR § 371-214. Travel/trade shows.

(a) Regional tourist promotion agencies may choose to exhibit at any tourism-oriented travel/trade shows by contracting with a show producer.

(b) Matching funds will be allowed for the following:

(1) Booth and banner design and construction;

(2)(A) Expenses incurred for:

(i) Registration;

(ii) Rental space;

(iii) Services such as:

(a) Electricity;

(b) Carpet; and

(c) Wi-Fi; and

(iv) Shipping cost for the:

(a) Booth;

(b) Brochures; and

(c) Other promotional materials.

(B) Copies of registration form, rental contract, service contracts, and shipping contracts along with a canceled check from the regional tourist association must be digitally submitted with request for payment; and

(3)(A) Travel expenditures incurred by the regional representatives who attend travel/trade shows.

(B) The Tourism Division of the Department of Parks, Heritage, and Tourism will only match the authorized rate for meals, lodging, and mileage for state employees.

(C) In the event expenses exceed the daily allowance, approval for the exception must be given by the Director of the Tourism Division of the Department of Parks, Heritage, and Tourism or Deputy Director of the Tourism Division of the Department of Parks, Heritage, and Tourism prior to travel.

(c)(1) When submitting travel expenses, such as meals, lodging, and mileage, the Travel Expense Reimbursement Form (Form RFP 4) will need to be filled out and digitally submitted with your Regional Tourist Association Matching Fund Application Request for Payment (Form RFP 1).

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(2) In the event that you exceed the daily allowance for lodging, the bottom half of this form (Form RFP 4) will need to be filled out also.

(3) In general, the only exception to exceed the maximum lodging rate shall be those instances in which the hotel rate where the meeting or conference is held exceeds the maximum allowable lodging rate for that area.

(4) There are no exceptions to the maximum meal rate.

(d) For travel expense reimbursements, please check with the division about rates or view domestic per diem rates on the United States General Services Administration website at www.gsa.gov.

15 CAR § 371-215. Festival/special event promotions.

(a) Regional matching funds may be utilized for promotion and advertising of a festival or event by a regional tourist promotion association.

(b) Festival and event promotion and advertising will be matched only if it is placed outside the region to attract visitors to the event.

(c) Promotional items used within the region and promotion at the festival site will not be eligible.

(d)~~(1)~~ All printed materials must contain ~~the~~ a statement in 8-point type in final production that includes an acknowledgement of the region and the ~~D~~division of ~~T~~tourism Tourism Division. ~~"This ad paid for with a combination of state funds and private regional association funds."~~

~~(2) Regional tourist association name may be substituted for the words "private regional association".~~

(e) These projects must be approved in advance on a project-by-project basis by the Tourism Division of the Department of Parks, Heritage, and Tourism.

15 CAR § 371-216. Professional contracts.

The customary fifteen percent (15%) advertising agency commission, artist, photographer, auditor, or other professional contracts such as those dealing with accountability, membership development, coordination, increased exposure, website

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development, social media management, financial management services, and legal services will be allowed since professional knowledge and expertise can help the region maximize its resources.

15 CAR § 371-217. Membership recruitment materials.

Any printed or digital (i.e., CD, DVD) membership recruitment materials, including brochures and postage, approved prior to production by the Tourism Division of the Department of Parks, Heritage, and Tourism.

15 CAR § 371-218. Inquiry response.

(a) Postage for inquiry fulfillment, regional tourist association website hosting expenses, and telephone expenses will be allowed.

(b) To qualify, a landline/cell phone must:

(1) Be registered in the regional tourist association name; and

(2) Identify the association name in its voicemail.

(c) Up to fifty percent (50%) of personal cell phone bills that are used for regional tourist association business will be allowed if the:

(1) Association name is identified in its voicemail; and

(2) Number is identified as belonging to the association in promotional materials.

15 CAR § 371-219. In-room advertising.

Each in-room advertising project (i.e., concierge books and hotel closed circuit informational videos) must be digitally submitted to the Tourism Division of the Department of Parks, Heritage, and Tourism ~~in writing~~ prior to beginning the program.

15 CAR § 371-220. Administrative expenses.

(a) Administrative expenses such as net salary (amount after withholdings), stationery, office rent, or office supplies up to ten percent (10%) of the total matching funds available for each region will be allowed.

(b) Digitally submitted ~~I~~invoices for supplies or payroll documentation will be required.

(c)~~(1)~~ A letter of employment is required to be eligible for payroll matching funds.

~~(2) See example letter on page XX.~~

(d) Salary checks must be written at the end of each pay period.

15 CAR § 371-221. Other advertising and publicity projects.

(a) All projects not listed in 15 CAR § 317-204, use of funds, shall be digitally submitted ~~in writing~~ for consideration to the Tourism Division of the Department of Parks, Heritage, and Tourism in advance of the start of the individual project.

(b) Value of each project will be assessed at reasonable fair market value by the division and only that portion considered to be a reasonable cost will be eligible for matching funds.

15 CAR § 371-222. Not eligible for matching funds.

Not eligible for matching funds:

(1) Any projects not approved in advance or not meeting the guidelines;

(2) Meeting expenses;

(3) Registration and other associated expenses incurred through attendance at the annual Governor's Conference on Tourism;

~~(4) Local (i.e., in-region) media receptions;~~

~~(5)(A) Familiarization tours, including Tourism Division of the Department of Parks, Heritage, and Tourism promotional blitzes.~~

~~(B) Familiarization tours for division staff are not eligible.~~

~~(C) When approved in advance, food expenses and activity fees (i.e., fishing guide services) will be eligible for media familiarization tours coordinated by the regional tourist association or the division;~~

(~~6~~4)(A) City maps.

(B) When digitally submitted for approval prior to beginning the project, regional tourist association ads placed on city maps will be considered on an project-by-project basis;

(~~7~~5) Postage not used for inquiries or membership;

(~~8~~6) Envelopes not used for inquiries or membership;

(~~9~~7) Donations to any individual or organization;

(~~10~~8) Any items produced for resale;

(9~~11~~) Ads placed in regional tourist association brochures;

(10~~12~~) Postage for any entity other than the regional tourist association;

(11~~13~~) Brochures, flyers, posters for local businesses;

(12~~14~~) Sponsorships; and

(13~~15~~) Scholarships.

15 CAR § 371-223. How to proceed.

(a) Each regional tourist promotion agency will elect or appoint an advertising committee, including at least one (1) member from each county in the region as long as there is an interested party from each county.

(b)(1) The regional advertising committee chairperson will be the coordinating agent between the region and the Tourism Division of the Department of Parks, Heritage, and Tourism.

(2) All regional programs must be ~~are~~ digitally submitted ~~in writing~~ to the division through this committee chairperson.

(c)(1) Submissions of proposed programs are due to the division on or before the start of the new fiscal year.

(2) The regional advertising committee must digitally submit in advance of use:

(A) Preliminary advertising and promotional plans for the region as a whole; and

(B) An estimate of funds to be raised or pledged.

(d)(1) The region's proposal will be reviewed, and, if approved, funds will be set aside and the region's advertising committee will be notified by, on, or before the second Tuesday in July.

(2) Unless approval is given prior to the commencement of any project, such project may not qualify for matching funds.

(e)(1) Matching funds are only available for projects developed and completed within the fiscal year in which appropriation is made.

(2) Reprints of brochures produced in a previous year can qualify upon written approval of the division, provided the brochure meets the previously listed qualifications.

(f) All projects reimbursed using matching funds shall be subject to audit by the state.

(g)(1) All contracts for goods and services under the matching funds program shall be binding between the regional association and the vendor.

(2) In no case will the division be made a party to any contract.

(h)(1) Each regional tourist association is supported, in part, by public funds.

(2) Therefore, the association is required by law to fully comply with all the provisions of the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., with regard to the information on file both on the local level and in the division.

Subpart 3. Application for Matching Fund Payment

15 CAR § 371-301. General overview.

(a) It is the responsibility of the regional associations to ensure that the rules are followed for each project before submitting applications for funding.

(b)(1) All invoices and contracts must list the regional tourist association as the payee.

(2) The regional tourist association must pay the service provider directly.

(c) Upon completion of an approved project, the regional advertising committee will digitally submit to the Tourism Division of the Department of Parks, Heritage, and Tourism the following documentation:

(1) A fully completed, digital ~~legible~~ Request for Payment Form (Form RFP 1);

(2) A digital copy of the invoice for this project;

(3) A digital copy of the front and back of the regional tourist association's canceled check, a digital copy of the bank debit report listing payee and amount, or cashier's check;

(4) Any digital documented proof of performance for the project in question;

(5) Completed digital project report (Form RFP 2A or 2B); and

(6) A digital copy of the division's approval (for projects requiring approval prior to project implementation).

(d) If any of the above documentation is unable to be submitted electronically, the entire application is ineligible for ~~electronic submission~~ consideration.

15 CAR § 371-302. Request for Payment Form — Form RFP 1.

(a) In order to process your request for payment, the date, name of the association, address, city, zip code, and counties that comprise your region must be filled in.

(b)(1) Next, list the project or projects for which you are requesting payment.

(2) These projects will come from your region matching funds budget, as approved by the Tourism Division of the Department of Parks, Heritage, and Tourism, and need to be listed one (1) per line.

(3) Several projects may be listed on the same Request for Payment Form.

(c)(1) The total cost for each project:

(A) Will come from the invoice you receive from the vendor for this particular project; and

(B) Needs to be listed following the project for which it applies.

(2) This invoice amount may be more than the amount requested for approval.

(d)(1) To calculate the total matching share amount requested, take the total cost, divide by three (3), then multiply by two (2).

(2) Round up to the nearest cent.

(3) Total cost of projects is the sum of all approved project costs.

(4) List this amount in the appropriate place.

(e) To complete this form, obtain the signature of the association's advertising committee chairperson and the president or treasurer.

15 CAR § 371-303. Invoices.

(a)(1) Every Request for Payment Form (Form RFP 1) will be accompanied by ~~an~~ a digital invoice or digital itemized statement.

(2) This is required for a request to be processed.

(3) Invoices vary greatly, but there is information contained on every invoice that the Tourism Division of the Department of Parks, Heritage, and Tourism needs in order to process a request.

(4) This information is:

(A) The name, address, and phone number of the vendor (payee);

(B) The name, address, and phone number of the customer (payer);

(C) An invoice number, date of transaction, and specifically what item, project, or job the vendor is requesting payment for;

(D)(i) The cost of each item, project, or job, listed individually.

(ii) Other costs may be included on an invoice, such as:

(a) Tax;

(b) Freight; or

(c) Services; and

(E) Previous, current, and ending balances.

(b)(1) Should you deal with a vendor that issues statements, but no invoices, the statement will need to contain the same data listed above for an invoice.

(2) Specifically, statements must be itemized.

15 CAR § 371-304. Proof of payment.

(a)(1) No request for payment is complete without a digital copy of:

(A) ~~the~~A regional association's canceled check~~,~~;

(B) a~~A copy of the~~ bank debit report listing payee and amount~~,~~; ~~or~~

(C) ~~or~~ A cashier's check.

(2) Regardless of which form of payment your region prefers, all invoices to which this check applies must be clearly listed and individually itemized on the front of every check.

(b)(1) Each regional association will submit a digital copy of a check with its request for payment.

(2) This copied check, by law:

(A) Must indicate payment of at least one-third (1/3) of the invoice to which it applies; and

(B) Needs to include the front and back sides of the check.

(c)(1) Another form of payment acceptable to the Tourism Division of the Department of Parks, Heritage, and Tourism is the cashier's check.

(2) In this case, a digital copy of the front of the cashier's check (not the back) or an actual official duplicate of the cashier's check is all that is needed to fulfill the payment requirement.

(d)(1) An digital itemized debit report listing date, payee, and amount from the regional tourist association's bank is acceptable proof of payment when using a debit card.

(2) If paying with a credit card, the credit card digital statement listing date, payee, and amount should be digitally submitted along with proof that the credit card bill has been paid by the association.

(e)(1) Documentation of payment by check from organizations other than the regional association will not be allowed.

(2) In other words, the check digitally submitted as payment for a project must be drawn on the regional association's account.

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15 CAR § 371-305. Documented proof of performance.

(a)(1) In most cases, documentation proving a project submitted for matching funds has been completed is as simple as a digital or photo copy of the:

(A) Article;

(B) Ad;

(C) Brochure; or

(D) Spot.

(2) This documentation will accompany your request for payment to the Tourism Division of the Department of Parks, Heritage, and Tourism.

(b) As there are different media to advertise and promote your region, so are there different requirements concerning the various proofs of performance needed to process your request.

(c)(1) In general, any printed advertisement ~~-~~submitted will include:

(A) The date;

(B) The name of the publication; and

(C) A digital or photo copy of the advertisement.

(2) For example~~:~~ A photocopy or digital copy from a:

~~(A) A tear sheet from~~

(A)~~the newspaper~~ Newspaper;

(B)

~~(B) An issue of the magazine~~ Magazine; or

(C)

~~(C) A section from a tabloid~~ Tabloid.

(3) Photocopies of print ads and printed electronic copies will ~~not~~ satisfy the documentation requirement.

~~(4) Electronic tear sheets, as provided by the issuing agency, must be forwarded as an email attachment to the division.~~

(d) When advertising with audio/visual communications, a CD/DVD/digital (or current format) copy of the spot must be submitted with your request.

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(e)(1) The five (5) most common advertising mediums are discussed below, with examples of each following.

(2) When in doubt as to what documentation is needed, call the Department of Parks, Heritage, and Tourism Development Manager for clarification.

15 CAR § 371-306. Newspaper.

(a) When advertising in a newspaper, a digital copy ~~a tear sheet~~ is needed for documentation.

(b) To be reimbursed, a digital copy ~~tear sheet~~ is to be included from each publication in which the advertisement ran.

(c)(1) A digital copy ~~tear sheet~~ is a full page including the:

(A) Publication date; and

(B) Publication name.

(2) This may include:

(A) More than one (1) page; or

(B) Several sections.

(d) A clipped article, ad, digital copy or advertorial from the publication is ~~not~~ acceptable documentation.

15 CAR § 371-307. Magazine.

(a) Documentation requirements for magazine advertising mirrors newspaper advertising.

(b) The digital copy ~~tear sheet~~ from the publication must include a copy of the region's advertising with the publication name and date on the page.

(c) If the advertisement digital copy ~~tear sheet~~ does not have the name and date on it, include the entire magazine.

(d) A clipped ad, digital copy, or advertorial from the publication is ~~not~~ acceptable documentation.

(e) Links to electronic issues of magazines must be provided to the Tourism Division of the Department of Parks, Heritage, and Tourism.

15 CAR § 371-308. Radio.

(a) When advertising on radio, two (2) forms of documentation are necessary:

(1) A digital copy of the script or CD/digital (or current format) copy of the advertisement; and

(2)(A) An affidavit of performance.

(B) This affidavit must:

(i) Be notarized (notary seal and signature); and

(ii) Contain the signature of the station manager.

(C) If you advertise three (3) messages on five (5) stations, then three (3) copies of the ad and five (5) signed, dated affidavits of performance are needed.

(b) The ad must include an acknowledgement of the region and the Tourism Division ~~this statement: "This ad paid with state and regional funds."~~

(c)(1) If radio spots are purchased through an advertising agency, an ad agency invoice would take the place of the affidavit of performance.

~~(2) A script or CD/digital (or current format) copy would still be required.~~

15 CAR § 371-309. Television.

(a) When advertising on television, two (2) forms of documentation are necessary:

(1) A script or video of the advertisement; and

(2)(A) An affidavit of performance.

(B) Again, this affidavit must:

(i) Be notarized (notary seal and signature); and

(ii) Contain the signature of the station manager.

(b) The ad must include an acknowledgement of the region and the Tourism Division. ~~this statement: "This ad paid with state and regional funds."~~

(c) As with radio advertising, if the regional television advertising is purchased through an ad agency~~:~~

~~(1) The~~ the ad agency invoice will take the place of the affidavit of performance~~; and~~.

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~~(2) A script or video of the ad would still be required.~~

15 CAR § 371-310. Application for matching fund payment — Internet.

(a) When advertising on the internet with banner ads or preroll video, three (3) digital forms of documentation are necessary:

(1) A ~~screen shot~~ screenshot ~~-~~of the ad, banner ad, newsletter, or analytics as it appears on the site, including the URL;

(2) A copy of the contractual agreement; and

(3)(A) End-of-campaign analytics provided by vendor.

(B) Must include, but are not limited to:

(i) Exit links to region site;

(ii) Page views; and

(iii) Time on site.

(b) When advertising through keyword buys, a detailed digital invoice including keywords and payment is required.

(c) If the regional internet advertising is purchased through an ad agency, a digital copy of the ad agency invoice will still be required.

15 CAR § 371-311. Warrants/reimbursement checks.

Warrants/reimbursement checks shall only be released to the region unless otherwise specified in writing to the Tourism Division of the Department of Parks, Heritage, and Tourism.

15 CAR § 371-312. Project report.

(a) The Project Report Form (Form RFP 2A or 2B ~~– pages XX-XX~~):

(1) Gives the Tourism Division of the Department of Parks, Heritage, and Tourism and the State Parks, Recreation, and Travel Commission an idea of:

(A) What each region is attempting to achieve with its advertising; and

(B) The actual result of this effort; and

(2) Allows the region to track its advertising effectiveness.

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(b) This digital form will accompany your request for payment packet after the completion of each project.

To: Secretary of State, Arkansas Register
From: General Counsel, ADPHT

Regional Tourism Rule Statement:
These rules needed to be amended to reflect the updated digital procedures for applying for and receiving these grant funds, and other updates detailed below.

Regional Tourism Rule Summary:

These are amendments to the Rules governing the grant procedures for Regional Tourist Promotion Agencies. The Division is moving to an online grant application process. These amendments reflect the streamlining of that process for media and promotional material production and use. It removes inefficiencies and duplicative or eliminated processes that the Agency has identified in the Rules. The amendments also remove the duplication of the text of the statutes governing the creation of the Agencies and the Matching Grant Funds already found in the Arkansas Code.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT Parks, Heritage and Tourism
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON Marty Ryall
ADDRESS 1100 North Street, Little Rock, AR 72201
PHONE NO. (501) 324-9586 **EMAIL** Marty.Ryall@arkansas.gov
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Marty Ryall
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, 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, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

****

1. What is the official title of this rule?
Regional Tourist Promotion Agency Rules

2. What is the subject of the proposed rule? Update to the rules and regulation for the Regional Tourist Associa

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.

This is simply an amendment to an existing rule.

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).

Arkansas Code § 15-11-401 et seq.

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?

These are amendments to the rules governing the procedures for Regional Tourist Promotion Agencies. The process for applying for grants is moving to a fully digital platform. These amendments reflect the streamlining of the process for media and promotional material production and use. It removes inefficiencies, and duplicative or eliminated processes that the Division has identified in the Rules. The amendments also remove the duplication of the text of the statutes governing the creation of the Agencies and the Matching Grant Funds already found in the Arkansas Code.

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).

https://adpht.arkansas.gov/about-us/public-notice/

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. 09/22/2025

15. What is the proposed effective date for this rule? December 1, 2025

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.

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).

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.

Arkansas Delta Byways
Arkansas River Valley Tri-Peaks Region
Arkansas' Land of Legends Travel Association
Arkansas' South Tourism Association

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

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Parks, Heritage and Tourism
BOARD/COMMISSION
PERSON COMPLETING THIS STATEMENT Marty Ryall
TELEPHONE NO. (501) 324-9586 **EMAIL** Marty.Ryall@arkansas.gov

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 Regional Tourist Promotion Agency Rules

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
$ 0.00

Next Fiscal Year
$ 0.00

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
$ 0.00

Next Fiscal Year
$ 0.00

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.