

# DECLARATION OF EMERGENCY

## Department of Culture and Recreation Office of Tourism

### Events Incentive Fund (LAC 25:V. Chapter 9)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962 et seq., and pursuant to the authority set forth in R.S. 51:1261 Events Incentive Fund (EIF), the Department of Culture, Recreation and Tourism adopts by emergency process the attached Rule relative to the administration of the Events Incentive Fund and the Events Incentive Program (EIP).

Of the many sectors the pandemic has severely impacted, tourism is one of the most affected. To expedite support to the tourism industry and promote employment opportunities for all citizens throughout the state through the orderly but accelerated development of tourism, travel and hospitality industries, the legislature authorized the emergency enactment of rules to implement the EIP. This Emergency Rule shall be effective March 28, 2024, and shall remain in effect for a period of 180 days or until adoption of final rules, whichever occurs first.

The Department of Culture, Recreation and Tourism promulgated an Emergency Rule on October 1, 2023 (Louisiana Register, Volume 49, Number 10). Upon further discussion, the Department of Culture, Recreation and Tourism has determined that it is necessary to amend the provisions of the October 1, 2023, Emergency Rule.

#### Title 25

### CULTURAL RESOURCES

#### Part V. Office of Tourism

#### Chapter 9. Events Incentive Program

##### §901. Purpose

A. Act 751 of the 2022 Regular Legislative Session created the Events Incentive Fund, a special fund in the Department of Treasury, and provided for the lieutenant governor, through the Department of Culture, Recreation and Tourism, (the department) to administer the Events Incentive Program (EIP). The department is authorized by R.S. 51:1261 to provide financial incentives for eligible events held in Louisiana.

B. The purpose of the EIP is to provide grant funding to municipalities, parishes, official tourism commissions, convention and visitor bureaus, official destination marketing organizations, and nonprofit corporations for costs associated with attracting, planning, marketing, and conducting events as defined and provided for in R.S.51:1261 and this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

##### §903. Construction of Rules

A. The department shall administer the EIP in a manner consistent with the requirements in R.S. 51:1261, and R.S. 51:1261 shall control over any conflicting provision of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

##### §905. Definitions

A. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

*Applicant*—a municipality, parish, official tourism commissions or convention and visitor bureau, official destination marketing organization and nonprofit corporation.

*Official Destination Marketing Organization*—the political subdivision of the state authorized to provide destination marketing and management services for a jurisdiction by promoting a town, city, region, or parish in order to increase the number of visitors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

##### §907. Eligibility

A. An applicant is eligible to receive funding through the EIP only if all the following apply:

1. The event is not a qualified major event as defined by R.S. 51:1260.

2. The event is not held more than one time per year in Louisiana or any other state. The provisions of this Paragraph shall not apply to events occurring twice in one year due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, or such other occurrence which causes the event to move or be rescheduled.

3. The eligible applicant timely submits an application for grant funding and documentation that includes the total anticipated cost of the event, the amount and anticipated sources of funding for the event, an economic analysis indicating the event has an anticipated impact of \$350,000 or greater to the state, and a proposal for the utilization of grant funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

##### §909. Application for Event Incentive Funding

A. The department shall provide a standard application form for eligible applicants and a process to be used to apply for funding under the EIP.

B. The application shall include in its application information, documentation, and certifications relevant to the eligibility requirements, the purposes and objectives of the EIP, economic impact data and other information that supports a determination that the event will have a significant positive impact in the state, and information that will be included in the grant agreement if a grant is awarded.

C. At a minimum, the applicant shall provide the department with a completed application, signed by an authorized official, which shall include, but is not limited to the following:

1. event name;
2. date or date range of the event;
3. description and location of the event;
4. the total anticipated cost of the event including the most recent current budget for the event with:
  - a. the amount of the requested funding from the EIP;
  - b. line items for all projected expenses, noting those expenses that are eligible expenses under the EIP grant and those the applicant proposes funding with the requested EIP grant;

5. the amount and anticipated sources of funding for the event including:

a. line items for revenue, noting all revenue sources that are public entities;

b. in-kind goods and services;

6. an economic analysis indicates the event has an anticipated impact of \$350,000 or greater to the state, by providing:

a. projected attendance figures;

b. description of the methodology that will be used for determining the total actual attendance;

c. projected average spending per attendee;

d. other projected direct spending related to the event;

e. how the event will have a significant positive impact in the state; and

f. a certification from the person(s) who prepared the economic, attendance, and spending study, report, and data for the application, attesting to the accuracy of the information provided;

7. a proposal for the utilization of grant funding;

8. information and documentation necessary to draft the grant agreement, including:

a. name and title of the official authorized to execute the grant agreement;

b. federal and state tax identification numbers; and

c. documentation the applicant is in good standing with the office of the secretary of state and has authority to enter into contracts with the state.

D. To ensure the department's award of EIP grant complies with Article VII, Section 14 of the Louisiana Constitution, the applicant shall include in its application a detailed proposal describing how the EIP award for the event will support the statewide development and implementation of cultural, recreation and/or tourism programs in Louisiana, specifically, the marketing of Louisiana as a tourism destination. This information will be included in the language of the grant agreement. The applicant shall include a budget with the proposal for marketing Louisiana as a tourism destination, and the proposed activities and budget must reflect a minimum value of 10 percent of the grant award. The department explicitly recognizes the following non-exhaustive forms of marketing are acceptable, if provided by the grant recipient upon notification of the grant award and continued throughout the term of the grant agreement:

1. a 30-second commercial spot placement leading up to and during the event, if broadcast;

2. an advertisement printed in all associated publicity of the event;

3. a sponsorship mentioned during televised or audio interviews;

4. a placement for the Louisiana Office of Tourism logo with click-thru link to <https://www.ExploreLouisiana.com>, in in materials promoting the event. such as:

a. home page of the official event website and applicant's official event website;

b. print, tv or social media ad(s) marketing the event;

c. email correspondence to event participants; and

d. billboards promoting the event.

E. If the department requires additional information from the applicant in order to review/approve the application, the

applicant will be notified via email and must respond within 10 business days.

#### **§911. Application Deadline**

A. The application and required documentation should be received no later than one hundred and eighty days prior to the event.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§913. Maximum Award Amount**

A. The maximum amount of any EIP grant awarded by the department is 25 percent of the total costs incurred by the entity for attracting, marketing, planning, and conducting of the event, not to exceed \$250,000 per grant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§915. Post-event Reporting**

A. Within the time provided in the written agreement, the grantee shall submit a statement to the lieutenant governor which shall include the following:

1. the designated targeted area of the event;

2. to the extent possible, the economic impact of the event to the area and the state; and

3. attendance data and other information relevant to the achievement of the public purposes of the program and relevant to compliance with R.S. 51:1261, this Chapter, and terms of the grant agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§917. Recapture**

A. Any funds found not to be properly spent in accordance with R.S. 51:1261, this Chapter, the terms of the grant agreement, and regulations of the funding source may be subject to recapture and shall be considered in the department's evaluation of any application for funding submitted by the grantee to the department in the future.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

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