NOTICE OF INTENT
Louisiana Department of Agriculture and Forestry

LAC 7:V.3101 (Placing of Advertising or Sponsorship Signs on Department Assets)

In accordance with the Administrative Procedure Act, R.S. 49:950, *et seq.*, notice is hereby given that the Department of Agriculture and Forestry ("Department") intends to enact rules regarding the placing of advertising signs on department owned property. R.S. 3:6, enacted by Act 70 of the 2016 Regular Session of the Louisiana Legislature, provides that the department may "authorize the placement, erection, and maintenance of advertising and sponsorship signs on immovable property, improvements on immovable property, vehicles, vessels, airplanes, and assets of the department." R.S. 3:6 further authorizes the department to "establish appropriate and reasonable fees and promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section."

Title 7
AGRICULTURE AND ANIMALS
Part V. Advertising, Marketing and Processing
Chapter 31. Placing of Advertising or Sponsorship Signs on Department Assets

§3101. Advertising or Sponsorship Signs on Department Assets

A. Purpose

1. The purpose of this Rule is to establish procedures and guidelines within the department for allowing certain limited types of advertising and sponsorship signs on high-visibility assets owned or controlled by the department to raise revenue to defray costs of departmental services.

2. The display of advertising or sponsorship signs on departmental assets shall not constitute an endorsement by the department of any of the products, services or messages of the advertiser or sponsor.

3. Advertisement or sponsorship signs may be placed on immovable property, improvements on immovable property, vehicles, vessels, airplanes, and assets of the department, including but not limited to websites, pamphlets, brochures, and other outreach, communications, and educational materials.

B. Solicitation, Selection and Contracting

1. The department may issue solicitations to secure contracts to determine the market potential for advertisements or sponsorships or to place advertisements or sponsorship signs on department assets.

2. The solicitation responses will be reviewed by a three person committee appointed by the commissioner, and the most suitable proposals, as determined by the committee, may be selected.

3. The committee shall consider the following criteria before entering into a sponsorship agreement:

a. whether the sponsorship is consistent with the goals, objectives, and mission of the department and the current priorities that support these goals, objectives, and mission; and

b. the importance of the sponsorship to the mission of the department; and

c. the extent and prominence of the public display of sponsorship; and

d. aesthetic characteristics of the public display of sponsorship; and

e. the level of support provided by the sponsor; and

f. the cooperation necessary from the department to implement the sponsorship; and

g. any inconsistencies between the department's policies and the known policies of the potential sponsor; and

h. other factors that might undermine public confidence in the department's impartiality or interfere with the efficient delivery of department services or operations, including, but not limited to, current or potential conflicts of interest, or perception of a conflict of interest, between the sponsor and department employees, officials, or

affiliates; and the potential for the sponsorship to tarnish the state's standing among its citizens or otherwise impair the ability of the state to govern its citizens.

4. The committee has the discretion to make reasonable recommendations to the commissioner concerning the types of advertising or sponsorship signs that may be displayed utilizing the criteria established herein.

5. The commissioner shall have final discretion regarding which recommendations and solicitations are selected. Selections shall be made for those advertisements or sponsorships that do not impact or infringe upon the image or reputation of the department.

6. The amount of the approved financial or in-kind support is at the discretion of the department.

7. The department may limit the number and type of assets available for advertising or sponsorship displays.

8. The department may limit the authorization to advertise or place sponsorship signs among the department's divisions, sections, programs and initiatives.

9. The department may limit the terms and conditions of the contract with an advertiser or sponsor.

10. Sponsorship agreements shall include a termination clause giving the department the right to tend such agreement at any time based on any of the following:

a. safety concerns;

b. a determination that the sponsorship agreement or acknowledgement is not in the public interest; or

c. for the convenience of the department.

C. Guidelines for Content for Advertising and Sponsorship Signs

1. Only commercial advertising or sponsorships will be accepted. The advertisement or sponsorship content shall only include content that promotes or informs a commercial transaction.

2. No content promoting illegal activity or obscene, vulgar or offensive conduct shall be allowed.

3. No content that demeans or disparages individuals or groups shall be allowed.

4. No political or religious advertising or sponsorships shall be allowed.

5. No advertising or sponsorship signs of adult oriented products shall be allowed.

6. Advertising or sponsorship signs of firearms and other means authorized in the lawful taking of game in Louisiana may be allowed.

7. The advertising or sponsorships should not be so controversial that it can promote vandalism of advertising or sponsorship materials and associated departmental property.

D. Guidelines for Placement of Advertising or Sponsorship Signs on Assets

1. Advertising or sponsorship signs shall not be placed in a manner that could interfere or confuse as to the identification of department's ownership or control of the asset.

2. On vehicles and other assets of the department traditionally utilized in the transport of personnel or equipment, advertising or sponsorships signs may be placed on the inside or the outside of equipment. However, the signage shall not be erected in such a manner that it impedes the asset's safe utilization and operation.

3. For advertising or sponsorship signs which require a power source, such as electronics or LED lighting, the advertiser or sponsor will be required by the department to submit and maintain detailed plans and provisions. The use of the powered advertising or sponsorship devices shall not have any adverse effect on the safety and functionality of the asset. If the safety and functionality of the asset is compromised after installation, the signage shall be removed.

4. The department will maintain full ownership of any sponsored product, event and asset.

AUTHORITY NOTE: Promulgated in accordance R.S. 3:6
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 43:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:
(1) the stability of the family;
(2) the authority and rights of persons regarding the education and supervision of their children;
(3) the functioning of the family;
(4) family earnings and family budget;
(5) the behavior and personal responsibility of children;
(6) the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:
(1) the effect on household income, assets, and financial security;
(2) the effect on early childhood development and preschool through postsecondary education development;
(3) the effect on employment and workforce development;
(4) the effect on taxes and tax credits;
(5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:
(1) the effect on the staffing level requirements or qualifications required to provide the same level of service;
(2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or
(3) the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Lindsey Hunter, Legal Division, 5825 Florida Blvd., Suite 2000, Baton Rouge, LA 70806 and must be received no later than 12:00 p.m. on January 30, 2016. No preamble is available.

Mike Strain, DVM
Commissioner of Agriculture and Forestry