

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

DEPARTMENT/AGENCY Arkansas Dept. of Parks & Tourism
DIVISION Keep Arkansas Beautiful
DIVISION DIRECTOR Robert Phelps
CONTACT PERSON Robert Phelps
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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
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule?
Membership Criteria for Keep Arkansas Beautiful Affiliates
- 2. What is the subject of the proposed rule?
This rule outlines the requirements and obligations that a community must satisfy to become and Remain an Affiliate of KArB.
- 3. Is this rule required to comply with federal statute or regulations? Yes _____ No x
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes _____ No x
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____
- 5. Is this a new rule? Yes x No _____ If yes, please provide a brief summary explaining the regulation. The rule is being established to provide prospective and active community groups the criteria and performance standards which must be satisfied to qualify as an Affiliate in good standing of KArB.

Does this repeal an existing rule? Yes _____ No x If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 x 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 Arkansas Code citation. Act 145 of 2001 stipulates that litter offense fine monies may be retained in the jurisdiction where the offense occurred, provided the community is a Certified Affiliate of Keep Arkansas Beautiful or Keep America Beautiful.
7. What is the purpose of this proposed rule? Why is it necessary?
This rule provides communities with the requirements that must be met to earn Certification, Thus enabling them to comply with and benefit from the provisions of Act 145 of 2001.
8. Will a public hearing be held on this proposed rule? Yes x No _____
If yes, please complete the following:
Date: September 26, 2002
Time: 2:00 p.m.
Place: ADPT Conference Room 4A-400, One Capitol Mall, Little Rock, AR 72201
9. When does the public comment period expire for permanent promulgation? (Must provide a date.)
September 26, 2002
10. What is the proposed effective date of this proposed rule? (Must provide a date.)
October 15, 2002
11. Do you expect this rule to be controversial? Yes _____ No x If yes, please explain.
12. 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.

Robert Phelps, KArB Executive Director: speaking for the proposed rule. No known individual or group is expected to speak against the proposed rule.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Dept. of Parks & Tourism
DIVISION Keep Arkansas Beautiful
PERSON COMPLETING THIS STATEMENT Robert Phelps, Executive Director
TELEPHONE NO. 501-682-3507 **FAX NO.** 501-682-1364 **EMAIL:** robert.phelps@mail.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Membership Criteria for Keep Arkansas Beautiful Affiliates

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes No

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain.

The cost to a community group for affiliation is nominal. The annual Affiliate Service Fee, \$50.00, is intended to defray a portion of the expense of providing Affiliate manuals and other materials to them for program use.

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 50.00

\$ 50.00

Any group qualifying as an Affiliate will be required to render the annual fee to remain affiliated. The group may be a community-wide organization or a small organization, sponsored by or part of a government entity, an independent group, a tax-exempt organization or service club. The Organization may fund the fee payment as they choose: out of operating funds, charge for local Memberships or seek sponsors.

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Current Fiscal Year

\$ 3,000.00_____

Next Fiscal Year

\$ 5,000.00_____

We do not expect that costs for implementing this rule will exceed revenue collections; rather, we anticipate that funds will allow for current expense-offsets in providing program materials to Affiliates. These fees may generate income as above.

Membership Criteria for Keep Arkansas Beautiful Affiliates:

The Keep Arkansas Beautiful Affiliate Network is a grassroots system of community organizations adopting the KArB mission goals of preserving the natural beauty and quality environment of our state. They accept responsibility for enhancing their local community's physical surroundings through effective actions to promote scenic beautification and to improve solid waste practices toward preventing litter and encouraging recycling.

To assist Affiliate communities in establishing and maintaining successful volunteer-based programs, KArB has adopted new membership requirements. Also adopted is standardized criteria for earning and complying with Certified status.

The new KArB Affiliate Program is modeled after proven, practical methods for training community leaders to properly define environmental problems, to devise solutions, to set benchmarks for determining success and to set priorities for organizational development and community involvement. This program can increase economic development, improve visitors' perceptions of a community and change attitudes that perpetuate litter and solid waste problems. It can clean and beautify communities, contributing to greater civic pride and quality of life.

Overview:

Keep Arkansas Beautiful designates the title of Affiliate to qualifying organizations that fulfill particular requirements. Affiliates earn Certified recognition through adherence to expanded, more comprehensive requirements. Certified Affiliates qualify for the provision of retaining litter enforcement revenue for offenses within their jurisdiction, as set forth in Act 145 of 2001. Member communities constitute the KArB Statewide Affiliate Network, consisting of community-based grassroots litter prevention, recycling and beautification programs. It is the primary method for community involvement with KArB.

Mission:

The mission of the Keep Arkansas Beautiful Affiliate Network is to establish a standard for annual review, approval and recognition of local communities who have accepted responsibility for enhancing their local environments through effective actions which are represented by ongoing litter prevention and community beautification efforts in support of the general mission of Keep Arkansas Beautiful.

Goals:

The Keep Arkansas Beautiful Affiliate Program has three major goals:

To increase a community's interest in improved solid waste practices and beautification programs.
To enable communities involved in the Affiliate program to fulfill their goals and commitment.
To encourage and help communities to attain certification in the Keep America Beautiful System.

Membership Requirements:

The KArB Affiliate criteria focuses on organizational components of a successful volunteer-led program involving development, implementation and accountability.

1. To become an Affiliate, a completed application must be submitted with payment of an annual membership service fee. This written application serves as a pledge of commitment to demonstrate community interest in establishing and maintaining a continuing program. The membership service fee, \$50.00 per year, is to help offset the expense of providing materials and services to the program. This fee must be paid each year to maintain Affiliate good-standing status.
2. A staff member or volunteer must receive annual training from KArB, either locally, regionally or at the annual Statewide Affiliate Conference.
3. An Affiliate must complete an Annual Report provided by KArB stating annual program activities and accomplishments. This report must be submitted by the 15th of August each year and detail program activity and results for the Affiliate year July through June. *KAB certified communities may submit the KAB Annual Report and Litter Index Report in lieu of this requirement.*
4. An Affiliate must conduct local programs or participate in KArB or KAB Statewide programs toward preventing or removing litter, encouraging improved waste handling and recycling or promoting scenic beauty and community improvement. *This requirement varies for standard Affiliate recognition and the qualification to be designated a Certified Affiliate as follows:*

Keep Arkansas Beautiful Affiliate Responsibilities:

Organizational Phase:

Within the first six months of membership, the organization should enact bylaws to establish operational authority and at least one member of the affiliate group should attend a KArB Affiliate Training session. Additionally, one “local goal” project in any of the three mission areas should be completed.

Beginning Phase:

Within the first 12 months, or nearest Affiliate reporting year, the Affiliate should additionally complete a second project in a different mission area and participate in one KArB Statewide Program. Participation in a statewide litter cleanup, the spring Great American Cleanup or the fall Great Arkansas Cleanup, or in events and/or activities produced in conjunction with Keep Arkansas Beautiful Month each April, may be credited toward a “local goal” or statewide project.

Sustaining Phase:

An Affiliate should demonstrate the KArB Mission and vision through compliance with the membership requirements and participation in KArB Programs. An Affiliate should take part in two KArB Statewide Program events, with at least two representatives attending annual training during the KArB Statewide Affiliate Conference. The Annual Report of Affiliate activities must be submitted in a timely manner with evidence of membership service fee payment.

Keep Arkansas Beautiful Certified Affiliate:

To become and remain certified, an Affiliate must comply with the following policy standards:

1. An Affiliate must demonstrate adherence to KArB Mission goals through compliance with the membership criteria of submitting an Annual Report of affiliate activities and be current in payment of the membership service fee.
2. An Affiliate must have an organizational structure that meets regularly to ensure the relevance of the organization's mission and engage in programs and activities that follow that mission.
3. An Affiliate representative must attend affiliate training annually, with at least two members attending the KArB Statewide Affiliate Conference yearly.
4. An Affiliate must complete one local project in each of the three mission areas and participate in at least two of the KArB Statewide Program activities or events. Participation in the fall Great Arkansas Cleanup, the spring Great American Cleanup, April's Keep Arkansas Beautiful Month events and/or the KArB Statewide Awards Program may be considered "local goal" projects for this requirement.
5. Affiliates who are unable to meet one or more of the above requirements after achieving certification will have a one year grace period to comply with the standards before de-certification is initiated.

Organizational Requirements:

A KArB Affiliate should strive for an organizational structure that will involve a wide range of community members. Representatives from government, business and local citizenry have proven to be the best composition for successful, sustaining programs. An Affiliate may be formed to represent a county, a municipality, or a community within either of these governmental units. Designation as a County Affiliate does not confer Affiliate status to every community within its jurisdiction. Local Affiliate membership is individually applied for and granted in the name of the municipality. In densely populated areas there may exist the need for more than one affiliate group.

Affiliates may be organized as a commission, a committee or an independent non-profit organization. An Affiliate that is not organized as a governmental agency or sub-group should have bylaws in place to govern the organization and operation of the Affiliate. We offer a sample set of bylaws for this purpose.

The determining factor governing the organizational structure and likely effectiveness of an Affiliate is to decide on how large an area it can realistically serve. The size of a community, the available resources and the presence of other surrounding Affiliates should be considered. Every community has its own unique set of needs and the organization's structure should be based on the ability to meet them.

It is more important that people are able to come together to personally address issues that relate to those physical and visual aspects of a community that individuals can personally and directly impact through their actions rather than attempt to incorporate too large an area or widely dispersed population. The general guideline is to have a group of people small enough to be bound by the common desire to personally address local environmental concerns, yet broad-based enough to adequately attract specific-interest groups to contribute to accomplishing diverse Mission goals.

Benefits To A Community:

Becoming a KArB Affiliate, and maintaining good standing status, offers a community the opportunity to realize tangible, measurable results in dealing with local scenic and environmental challenges:

1. increased environmental improvement and greater community pride
2. a certificate of recognition as an official KArB Affiliate Community
3. KArB statewide and local program support and resources
4. continuing education and training to help increase program success
5. access to a network of other communities working to solve similar concerns
6. certification permitting local retention and use of litter law fine revenue
7. annual Statewide Conference discounts
8. annual Statewide Conference grants
9. local program grants
10. The Keepsake newsletter