

Part 2 Quality Growth Commission

11-38-201 Quality Growth Commission -- Term of office -- Vacancy -- Organization -- Expenses -- Staff.

- (1)
 - (a) There is created a Quality Growth Commission consisting of:
 - (i) the director of the Department of Natural Resources;
 - (ii) the commissioner of the Department of Agriculture and Food;
 - (iii) six elected officials at the local government level, three of whom may not be residents of a county of the first or second class; and
 - (iv) five persons from the profit and nonprofit private sector, two of whom may not be residents of a county of the first or second class and no more than three of whom may be from the same political party and one of whom shall be from the residential construction industry, nominated by the Utah Home Builders Association, and one of whom shall be from the real estate industry, nominated by the Utah Association of Realtors.
 - (b)
 - (i) The director of the Department of Natural Resources and the commissioner of the Department of Agriculture and Food may not assume their positions on the commission until:
 - (A) after May 1, 2005; and
 - (B) the term of the respective predecessor in office, who is a state government level appointee, expires.
 - (ii) The term of a commission member serving on May 1, 2005 as one of the six elected local officials or five private sector appointees may not be shortened because of application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees from counties of the first or second class.
- (2)
 - (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be appointed by the governor with the consent of the Senate.
 - (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from a list of names provided by the Utah League of Cities and Towns, and shall select the remaining three from a list of names provided by the Utah Association of Counties.
 - (c) Two of the persons appointed under Subsection (1) shall be from the agricultural community from a list of names provided by Utah farm organizations.
- (3)
 - (a) The term of office of each member is four years, except that the governor shall appoint one of the persons at the state government level, three of the persons at the local government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year term.
 - (b) No member of the commission may serve more than two consecutive four-year terms.
- (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2).
- (5) Commission members shall elect a chair from their number and establish rules for the organization and operation of the commission.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;

- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) A member is not required to give bond for the performance of official duties.
- (8) Staff services to the commission:
 - (a) shall be provided by the Governor's Office of Management and Budget; and
 - (b) may be provided by local entities through the Utah Association of Counties and the Utah League of Cities and Towns, with funds approved by the commission from those identified as available to local entities under Subsection 11-38-203(1)(a).

Amended by Chapter 310, 2013 General Session

11-38-202 Commission duties and powers -- No regulatory authority.

- (1) The commission shall:
 - (a) make recommendations to the Legislature on how to define more specifically quality growth areas within the general guidelines provided to the commission by the Legislature;
 - (b) advise the Legislature on growth management issues;
 - (c) make recommendations to the Legislature on refinements to this chapter;
 - (d) conduct a review in 2002 and each year thereafter to determine progress statewide on accomplishing the purposes of this chapter, and give a report of each review to the Political Subdivisions Interim Committee of the Legislature by November 30 of the year of the review;
 - (e) administer the program as provided in this chapter;
 - (f) assist as many local entities as possible, at their request, to identify principles of growth that the local entity may consider implementing to help achieve the highest possible quality of growth for that entity;
 - (g) fulfill other responsibilities imposed on the commission by the Legislature; and
 - (h) fulfill all other duties imposed on the commission by this chapter.
- (2) The commission may sell, lease, or otherwise dispose of equipment or personal property belonging to the program, the proceeds from which shall return to the fund.
- (3) The commission may not exercise any regulatory authority.

Amended by Chapter 368, 2009 General Session

11-38-203 Commission may provide assistance to local entities.

The commission may:

- (1) from funds appropriated to the Governor's Office of Management and Budget by the Legislature for this purpose, grant money to local entities to help them obtain the technical assistance they need to:
 - (a) conduct workshops or public hearings or use other similar methods to obtain public input and participation in the process of identifying for that entity the principles of quality growth referred to in Subsection 11-38-202(1)(f);
 - (b) identify where and how quality growth areas could be established within the local entity; and
 - (c) develop or modify the local entity's general plan to incorporate and implement the principles of quality growth developed by the local entity and to establish quality growth areas; and
- (2) require each local entity to which the commission grants money under Subsection (1) to report to the commission, in a format and upon a timetable determined by the commission, on that local entity's process of developing quality growth principles and on the quality growth principles developed by that local entity.

Amended by Chapter 310, 2013 General Session