

1 **RURAL PLANNING AND DEVELOPMENT**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Thomas V. Hatch**

5

LONG TITLE

6 **General Description:**

7 This bill creates a number of entities to address rural planning and development issues
8 on a statewide, coordinated basis.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ creates an Office of Rural Development within the Department of Community and
12 Economic Development to help foster and support economic development for the
13 benefit of rural counties and communities;

14 ▶ creates a Rural Development Legislative Liaison Committee to serve as liaison
15 between rural economic development and planning groups and state entities and
16 recommend legislation, when appropriate, on the economic and planning interests
17 of rural Utah;

18 ▶ creates a Governor's Rural Partnership Board to develop and prepare an annual
19 strategic plan to address rural economic development, planning, and leadership
20 training challenges, opportunities, priorities, and objectives; and

21 ▶ creates a Rural Coordinating Committee to coordinate efforts and resources and
22 help implement the strategic plan on rural economic development, planning, and
23 leadership training.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **9-16-101**, Utah Code Annotated 1953

32 **9-16-102**, Utah Code Annotated 1953

33 **9-16-103**, Utah Code Annotated 1953

34 **9-16-104**, Utah Code Annotated 1953

35 **9-16-105**, Utah Code Annotated 1953

36 **9-16-106**, Utah Code Annotated 1953

37 **9-16-107**, Utah Code Annotated 1953

38 **36-25-101**, Utah Code Annotated 1953

39 **36-25-102**, Utah Code Annotated 1953

40 **36-25-103**, Utah Code Annotated 1953

41 **36-25-104**, Utah Code Annotated 1953

42 **63C-10-101**, Utah Code Annotated 1953

43 **63C-10-102**, Utah Code Annotated 1953

44 **63C-10-103**, Utah Code Annotated 1953

45 **63C-10-201**, Utah Code Annotated 1953

46 **63C-10-202**, Utah Code Annotated 1953



48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **9-16-101** is enacted to read:

50 **CHAPTER 16. OFFICE OF RURAL DEVELOPMENT ACT**

51 **9-16-101. Title -- Definitions.**

52 (1) This chapter is known as the "Office of Rural Development Act."

53 (2) As used in this chapter, "office" means the Office of Rural Development.

54 Section 2. Section **9-16-102** is enacted to read:

55 **9-16-102. Office of Rural Development created -- Supervision by department.**

56 (1) There is created within the department the Office of Rural Development.

57 (2) The office is under the administration and general supervision of the department.

58 Section 3. Section **9-16-103** is enacted to read:

59 **9-16-103. Purpose of the office.**

60 The office shall:

61 (1) foster and support economic development programs and activities for the benefit of
62 rural counties and communities;

63 (2) foster and support community, county, and resource management planning
64 programs and activities for the benefit of rural counties and communities;

65 (3) foster and support leadership training programs and activities for the benefit of:

66 (a) rural leaders in both the public and private sectors;

67 (b) economic development and planning personnel; and

68 (c) rural government officials;

69 (4) foster and support efforts to coordinate and focus the technical and other resources
70 of appropriate institutions of higher education, local governments, private sector interests,
71 associations, nonprofit organizations, federal agencies, and others, in ways that address the
72 economic development, planning, and leadership challenges and priorities of rural Utah as
73 identified in the strategic plan required under Subsection 63C-10-103(2);

74 (5) work to enhance the capacity of the office to address rural economic development,
75 planning, and leadership training challenges and opportunities by establishing partnerships and
76 positive working relationships with appropriate public and private sector entities, individuals,
77 and institutions; and

78 (6) foster government-to-government collaboration and good working relations
79 between state and rural government regarding economic development and planning issues.

80 Section 4. Section **9-16-104** is enacted to read:

81 **9-16-104. Duties and powers.**

82 (1) The office shall:

83 (a) provide, in conjunction with the Rural Coordinating Committee, staff support to the
84 Governor's Rural Partnership board;

85 (b) facilitate within the department implementation of the strategic plan prepared under
86 Subsection 63C-10-103(2);

87 (c) work to enhance the capacity of the office to address rural economic development,
88 planning, and leadership training challenges and opportunities by establishing partnerships and
89 positive working relationships with appropriate public and private sector entities, individuals,

90 and institutions;

91 (d) work with the Rural Coordinating Committee to coordinate and focus available
92 resources in ways that address the economic development, planning, and leadership training
93 challenges and priorities in rural Utah; and

94 (e) in accordance with economic development and planning policies set by state
95 government, coordinate relations between:

96 (i) the state;

97 (ii) rural governments;

98 (iii) other public and private groups engaged in rural economic planning and
99 development; and

100 (iv) federal agencies.

101 (2) The office may:

102 (a) contract with public and private entities to provide services or facilities;

103 (b) acquire and hold funds or other property for the administration of the programs
104 outlined in this chapter;

105 (c) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
106 make rules necessary to carry out the duties of the office;

107 (d) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural
108 Utah citizens; and

109 (e) apply or dispose of those gifts, grants, devises, and property received under
110 Subsection (2)(d) for the use and benefit of rural citizens within the state.

111 Section 5. Section **9-16-105** is enacted to read:

112 **9-16-105. Office director.**

113 (1) The executive director of the department shall appoint the director of the office
114 with the approval of the governor.

115 (2) The office director shall be a person knowledgeable in the field of rural economic
116 development and planning and experienced in administration.

117 (3) Upon change of the executive director of the department, the office director may
118 not be dismissed without cause for at least 180 days.

119 (4) The office director shall be a member of the Rural Coordinating Committee's
120 Steering Committee created in Subsection 63C-10-202(3).

121 Section 6. Section **9-16-106** is enacted to read:

122 **9-16-106. Annual report.**

123 The office shall submit an annual report of its operations and recommendations to:

124 (1) the department;

125 (2) the governor; and

126 (3) the Rural Development Legislative Liaison Committee created in Section

127 36-25-102.

128 Section 7. Section **9-16-107** is enacted to read:

129 **9-16-107. Investments.**

130 Funds not allocated for use by the office shall be invested in accordance with Section

131 51-7-11.

132 Section 8. Section **36-25-101** is enacted to read:

133 **CHAPTER 25. RURAL DEVELOPMENT LEGISLATIVE LIAISON COMMITTEE**

134 **36-25-101. Title.**

135 This chapter is known as the "Rural Development Legislative Liaison Committee."

136 Section 9. Section **36-25-102** is enacted to read:

137 **36-25-102. Rural Development Legislative Liaison Committee -- Creation --**

138 **Membership -- Chairs -- Salary -- Expenses.**

139 (1) There is created the Rural Development Legislative Liaison Committee composed
140 of 11 members as follows:

141 (a) four members of the Senate appointed by the president of the Senate, no more than
142 two of whom shall be from the same political party; and

143 (b) seven members from the House of Representatives appointed by the speaker of the
144 House of Representatives, no more than four of whom shall be from the same political party.

145 (2) Senators and representatives from nonrural legislative districts may be considered
146 for membership on the committee.

147 (3) (a) The president of the Senate shall designate a member of the Senate appointed
148 under Subsection (1)(a) as a cochair.

149 (b) The speaker of the House of Representatives shall designate a member of the House
150 of Representatives appointed under Subsection (1)(b) as a cochair of the committee.

151 (4) Salaries and expenses of the members of the committee shall be paid in accordance

152 with Section 36-2-2 and Joint Rule 15.03.

153 Section 10. Section **36-25-103** is enacted to read:

154 **36-25-103. Duties.**

155 (1) The committee shall:

156 (a) serve as a liaison between the Governor's Rural Partnership Board, the Utah Rural
157 Development Council, rural economic development and planning groups, and the Legislature;

158 (b) recommend legislation for each annual general session of the Legislature if the
159 committee determines that modifications to current law are in the best interest of the state and
160 the economic and planning interests of rural Utah;

161 (c) review the operations of the Office of Rural Development and other state agencies
162 involved in rural economic development and planning; and

163 (d) help sponsor meetings and other opportunities for discussion with and between
164 rural economic development and planning interests.

165 (2) In conducting its business, the committee shall comply with the rules of legislative
166 interim committees.

167 Section 11. Section **36-25-104** is enacted to read:

168 **36-25-104. Staff support.**

169 The Office of Legislative Research and General Counsel shall provide staff support to
170 the committee.

171 Section 12. Section **63C-10-101** is enacted to read:

172 **CHAPTER 10. STATEWIDE RURAL BOARDS AND COMMITTEES**

173 **Part 1. Governor's Rural Partnership Board**

174 **63C-10-101. Title.**

175 This chapter is known as "Statewide Rural Boards and Committees."

176 Section 13. Section **63C-10-102** is enacted to read:

177 **63C-10-102. Governor's Rural Partnership Board -- Creation -- Membership --**
178 **Vacancies -- Chairs -- Expenses.**

179 (1) There is created the Governor's Rural Partnership Board composed of 11 members
180 as follows:

181 (a) the governor or the governor's designee;

182 (b) a rural member of the Utah Association of Counties' Board of Directors, appointed

183 by the association's board;

184 (c) a rural member of the Utah League of Cities and Towns' Board of Directors,

185 appointed by the league's board;

186 (d) the vice president of Utah State University's Extension Services or the vice

187 president's designee;

188 (e) the president of Southern Utah University or the president's designee;

189 (f) the chair of the Utah Rural Development Council; and

190 (g) five rural members appointed by the governor, at least one of which shall be a

191 representative from a rural private business.

192 (2) (a) Except as required by Subsection (2)(b), board members identified in

193 Subsections (1)(b), (c), and (g) shall be appointed for four-year terms.

194 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the

195 time of appointment or reappointment for members appointed under Subsection (1)(g), adjust

196 the length of terms to ensure that the terms of these members are staggered so that

197 approximately half of these five members are appointed every two years.

198 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

199 appointed for the unexpired term in the same manner as the vacated member was chosen.

200 (d) Once initial board appointments are made pursuant to Subsection (1)(f),

201 recommendations for filling vacancies for any reason of those five board positions shall be

202 made to the governor from a nominating committee consisting of:

203 (i) three individuals selected by the Steering Committee of the Rural Coordinating

204 Committee; and

205 (ii) three individuals selected by the Governor's Rural Partnership Board from the Utah

206 Rural Development Council membership.

207 (3) (a) The governor or the governor's designee shall serve as cochair of the board.

208 (b) The chair of the Utah Rural Development Council shall serve as cochair of the

209 board.

210 (4) The board shall meet at the call of the cochairs, but at least semiannually.

211 (5) (a) A majority of the members of the committee constitute a quorum.

212 (b) The action of a majority of a quorum constitutes the action of the committee.

213 (6) (a) (i) Members who are not government employees shall receive no compensation

214 or benefits for their services, but may receive per diem and expenses incurred in the
215 performance of the member's official duties from the committee at rates established by the
216 Division of Finance under Sections 63A-3-106 and 63A-3-107.

217 (ii) These members may decline to receive per diem and expenses for their service.

218 (b) (i) State government officer and employee members who do not receive salary, per
219 diem, or expenses from their agency for their service may receive per diem and expenses
220 incurred in the performance of their official duties from the committee at the rates established
221 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

222 (ii) State government officer and employee members may decline to receive per diem
223 and expenses for their service.

224 (c) (i) Higher education members who do not receive salary, per diem, or expenses
225 from the entity that they represent for their service may receive per diem and expenses incurred
226 in the performance of their official duties from the committee at the rates established by the
227 Division of Finance under Sections 63A-3-106 and 63A-3-107.

228 (ii) Higher education members may decline to receive per diem and expenses for their
229 service.

230 Section 14. Section **63C-10-103** is enacted to read:

231 **63C-10-103. Duties.**

232 The committee shall:

233 (1) serve as an advisory board to the governor on rural economic and planning issues;

234 (2) prepare an annual strategic plan that:

235 (a) identifies rural economic development, planning, and leadership training
236 challenges, opportunities, priorities, and objectives; and

237 (b) includes a work plan for accomplishing the objectives referred to in Subsection
238 (1)(a)(i);

239 (3) solicit input from, and work collaboratively with, the Utah Rural Development
240 Council and the Rural Coordinating Committee in the development of the strategic plan
241 referred to in Subsection (2);

242 (4) present the strategic plan to the Utah Rural Development Council membership for
243 approval and adoption;

244 (5) work with the Rural Coordinating Committee to:

- 245 (a) coordinate and focus available resources in ways that effectively address the
- 246 economic development, planning, and leadership training challenges and priorities; and
- 247 (b) give direction and oversight to the Rural Coordinating Committee's programs and
- 248 activities;
- 249 (6) oversee the implementation of the strategic plan created under Subsection (2); and
- 250 (7) make recommendations on economic planning and development in the state's rural
- 251 areas and related issues to the Legislature through the Rural Development Legislative Liaison
- 252 Committee established in Section 36-25-102.

253 Section 15. Section **63C-10-201** is enacted to read:

254 **Part 2. Rural Coordinating Committee**

255 **63C-10-201. Rural Coordinating Committee -- Creation -- Membership -- Chair --**
256 **Vacancies -- Quorum -- Expenses.**

257 (1) There is created the Rural Coordinating Committee consisting of the following 13
258 members:

- 259 (a) the director of the Office of Rural Development;
- 260 (b) the vice president for Utah State University Extension Services or the vice
- 261 president's designee;
- 262 (c) the director of the Utah Rural Development Council;
- 263 (d) the director of the Utah Center for Rural Life;
- 264 (e) the executive director of the Utah Association of Counties or the executive
- 265 director's designee;
- 266 (f) the executive director of the Utah League of Cities and Towns or the executive
- 267 director's designee;
- 268 (g) a director of a rural Association of Counties or the director's designee;
- 269 (h) a representative from the Department of Natural Resources appointed by the
- 270 department;
- 271 (i) a representative from the Department of Agriculture and Food appointed by the
- 272 department;
- 273 (j) the State Planning Coordinator;
- 274 (k) a representative from the Department of Workforce Services appointed by the
- 275 department;

- 276 (l) a member of the State Board of Education, appointed by the board; and
277 (m) a member of the State Board of Regents, appointed by the board.
278 (2) (a) The director of the Office of Rural Development shall serve as committee
279 cochair.
280 (b) The committee shall elect one of its other members to serve as cochair for a
281 two-year term.
282 (3) (a) A member who is not serving ex officio shall be appointed for a four-year term
283 and may be reappointed to subsequent terms.
284 (b) When a vacancy occurs in the membership of those appointed to four-year terms
285 under Subsection (3)(a), the replacement shall be appointed for the unexpired term.
286 (4) The committee shall meet at the call of the chairs, but at least once a year.
287 (5) (a) A majority of the members of the committee constitute a quorum.
288 (b) The action of a majority of a quorum constitutes the action of the committee.
289 (6) (a) Committee members shall receive compensation and benefits for their service
290 on the committee the same as members of the Governor's Rural Partnership Board under
291 Subsection 63C-10-102(6).
292 (b) Members may decline to receive per diem and expenses for their service.
293 Section 16. Section **63C-10-202** is enacted to read:
294 **63C-10-202. Duties -- Rural Coordinating Committee Steering Committee.**
295 (1) The committee shall:
296 (a) coordinate efforts and available resources of appropriate state and federal agencies,
297 institutions of higher education, local governments, private sector interests, associations,
298 nonprofit organizations, and other entities in ways that address the economic development,
299 planning, and leadership and training challenges and priorities of rural Utah as identified in the
300 strategic plan prepared by the Governor's Rural Partnership Board; and
301 (b) assist the Governor's Rural Partnership Board in the implementation of its strategic
302 plan.
303 (2) The committee may:
304 (a) solicit the participation of appropriate federal agencies such as the USDA/Rural
305 Development, the Small Business Administration, and Resource Coordination and
306 Development Council directors to assist it in fulfilling its duties under Subsection (1); and

307 (b) invite participation from other appropriate entities, departments, agencies, nonprofit
308 organizations, and associations that can assist in the implementation of the strategic plan
309 prepared by the Governor's Rural Partnership Board.

310 (3) (a) The committee shall have a steering committee comprised of committee
311 members identified in Subsections 63C-10-201(1)(a), (b), (c), and (d).

312 (b) The steering committee:

313 (i) shall:

314 (A) provide, in coordination and cooperation with the Office of Rural Development,
315 staff support to the Governor's Rural Partnership board;

316 (B) call meetings and set agendas for, and otherwise be responsible to conduct the
317 business of the Rural Coordinating Committee;

318 (C) assist, as able, the Governor's Rural Partnership Board in the development and
319 implementation of its strategic plan;

320 (D) work with the other members of the Rural Coordinating Committee to coordinate
321 efforts and focus available resources in ways that address the economic development, planning,
322 and leadership training challenges and priorities of rural Utah as identified in the strategic plan;
323 and

324 (E) select three members to the nominating committee as required under Subsection
325 63C-10-102(2)(d)(i); and

326 (ii) may:

327 (A) invite participation from other committee members in steering committee
328 meetings, as appropriate; and

329 (B) hire or designate an executive director for the committee.

Legislative Review Note
as of 1-28-04 6:42 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

AMENDED NOTE

State Impact

Passage of this bill would require an appropriation of \$6,300 to the Legislature in FY 2005 and FY 2006. Any additional costs can be handled within existing budgets.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$6,300	\$6,300	\$0	\$0
TOTAL	\$6,300	\$6,300	\$0	\$0

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst