

1 **COMMUNITY AND ECONOMIC DEVELOPMENT**

2 **TECHNICAL CHANGES**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steven R. Mascaro**

6 Senate Sponsor: Scott K. Jenkins

7 Cosponsors:

 Janice M. Fisher

 Julie Fisher

8

9 **LONG TITLE**

10 **General Description:**

11 This bill makes certain technical changes to reporting requirements for the Governor's
12 Office of Economic Development and Department of Community and Culture and
13 provides for uniformity in referencing the Office of Rural Development and its director.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ correctly identifies the legislative interim committee to which the Governor's Office
17 of Economic Development and the Department of Community and Culture's Olene
18 Walker Housing Fund Board make annual reports;
- 19 ▶ provides for uniformity in referencing the Office of Rural Development and its
20 director;
- 21 ▶ provides for ongoing rather than one-time reporting of activities associated with the
22 Economic Development Incentives Act; and
- 23 ▶ makes certain other technical changes.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 9-4-708, as last amended by Laws of Utah 2002, Chapter 65
- 31 63-38d-603, as last amended by Laws of Utah 2006, Chapter 292
- 32 63-38f-1103, as renumbered and amended by Laws of Utah 2005, Chapter 148
- 33 63-38f-1602, as renumbered and amended by Laws of Utah 2005, Chapter 148
- 34 63-38f-1603, as renumbered and amended by Laws of Utah 2005, Chapter 148
- 35 63-38f-1604, as last amended by Laws of Utah 2006, Chapter 52
- 36 63-38f-1605, as renumbered and amended by Laws of Utah 2005, Chapter 148
- 37 63-38f-1706, as enacted by Laws of Utah 2005, Chapter 272



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

40 Section 1. Section 9-4-708 is amended to read:

41 **9-4-708. Annual accounting.**

42 (1) The executive director shall monitor the activities of recipients of grants and loans
43 issued under this part on a yearly basis to ensure compliance with the terms and conditions
44 imposed on the recipient by the director with the approval of the board or by this part.

45 (2) The entities receiving grants or loans shall provide the executive director with an
46 annual accounting of how the moneys they received from the fund have been spent.

47 (3) The executive director shall make an annual report to the board accounting for the
48 expenditures authorized by the board.

49 (4) The board shall submit an annual written report [~~accounting for expenditures~~
50 ~~authorized by the board and evaluating the effectiveness of the program~~] to the Workforce
51 Services and Community and Economic Development Interim Committee before December 1 of
52 each year[-];

53 (a) accounting for expenditures authorized by the board; and

54 (b) evaluating the effectiveness of the program.

55 Section 2. Section 63-38d-603 is amended to read:

56 **63-38d-603. Powers and duties of coordinator and office.**

57 (1) The coordinator and the office shall:

58 (a) assist the state planning coordinator in fulfilling the duties outlined in Section
59 63-38d-401 as those duties relate to the development of public lands policies by:

60 (i) developing cooperative contracts and agreements between the state, political
61 subdivisions, and agencies of the federal government for involvement in the development of
62 public lands policies;

63 (ii) producing research, documents, maps, studies, analysis, or other information that
64 supports the state's participation in the development of public lands policy;

65 (iii) preparing comments to ensure that the positions of the state and political
66 subdivisions are considered in the development of public lands policy;

67 (iv) partnering with state agencies and political subdivisions in an effort to:

68 (A) prepare coordinated public lands policies;

69 (B) develop consistency reviews and responses to public lands policies;

70 (C) develop management plans that relate to public lands policies; and

71 (D) develop and maintain a statewide land use plan that is based on cooperation and in
72 conjunction with political subdivisions; and

73 (v) providing other information or services related to public lands policies as requested
74 by the state planning coordinator; and

75 (b) facilitate and coordinate the exchange of information, comments, and
76 recommendations on public lands policies between and among:

77 (i) state agencies;

78 (ii) political subdivisions;

79 (iii) the Office of Rural Development [~~Program~~] created under Section 63-38f-1602;

80 (iv) the Resource Development Coordinating Committee created under Section
81 63-38d-501;

82 (v) School and Institutional Trust Lands Administration created under Section
83 53C-1-201;

84 (vi) the committee created under Section 63F-1-508 to award grants to counties to
85 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

86 (vii) the Constitutional Defense Council created under Section 63C-4-101;
87 (c) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
88 Chapter 8, Part 4, Historic Sites; and

89 (d) consistent with other statutory duties, encourage agencies to responsibly preserve
90 archaeological resources.

91 (2) In providing assistance to the state planning coordinator under Subsection (1)(a),
92 the coordinator and office shall take into consideration the:

- 93 (a) findings provided under Subsections 63-38d-401(6) and (7); and
- 94 (b) recommendations of the council.

95 Section 3. Section **63-38f-1103** is amended to read:

96 **63-38f-1103. Duties of the office.**

97 The office shall:

- 98 (1) facilitate recycling development zones through state support of county incentives
99 which encourage development of manufacturing enterprises that use recycling materials
100 currently collected;
- 101 (2) evaluate an application from a county or municipality executive authority to be
102 designated as a recycling market development zone and determine if the county or municipality
103 qualifies for that designation;
- 104 (3) provide technical assistance to municipalities and counties in developing applications
105 for designation as a recycling market development zone;
- 106 (4) assist counties and municipalities designated as recycling market development zones
107 in obtaining assistance from the federal government and agencies of the state;
- 108 (5) assist ~~any~~ a qualified business in obtaining the benefits of ~~any~~ an incentive or
109 inducement program authorized by this part;
- 110 (6) monitor the implementation and operation of this part and conduct a continuing
111 evaluation of the progress made in the recycling market development zone; and
- 112 (7) submit an annual written report evaluating the effectiveness of the program and
113 providing recommendations for legislation to the Workforce Services and Community and

114 Economic Development Interim Committee and Natural Resources, Agriculture, and
115 Environment Interim Committee not later than November 1 of each year.

116 Section 4. Section **63-38f-1602** is amended to read:

117 **63-38f-1602. Rural Development Office -- Supervision by Governor's Office of**
118 **Economic Development.**

119 (1) There is created within the [~~office~~] Governor's Office of Economic Development the
120 Office of Rural Development [~~Program~~].

121 (2) The [~~program~~] Office of Rural Development is under the administration and general
122 supervision of the [~~office~~] Governor's Office of Economic Development.

123 Section 5. Section **63-38f-1603** is amended to read:

124 **63-38f-1603. Purpose of the Office of Rural Development.**

125 The [~~program~~] Office of Rural Development is established to:

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

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

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

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

132 (b) economic development and planning personnel; and

133 (c) rural government officials;

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

139 (5) work to enhance the capacity of the [~~office~~] Governor's Office of Economic
140 Development to address rural economic development, planning, and leadership training
141 challenges and opportunities by establishing partnerships and positive working relationships

142 with appropriate public and private sector entities, individuals, and institutions; and
143 (6) foster government-to-government collaboration and good working relations
144 between state and rural government regarding economic development and planning issues.

145 Section 6. Section **63-38f-1604** is amended to read:

146 **63-38f-1604. Duties.**

147 (1) The [program] Office of Rural Development shall:

148 (a) provide, in conjunction with the Rural Coordinating Committee, staff support to the
149 Governor's Rural Partnership Board;

150 (b) facilitate within the [department] Governor's Office of Economic Development
151 implementation of the strategic plan prepared under Subsection 63C-10-103(2);

152 (c) work to enhance the capacity of the [office] Governor's Office of Economic
153 Development to address rural economic development, planning, and leadership training
154 challenges and opportunities by establishing partnerships and positive working relationships
155 with appropriate public and private sector entities, individuals, and institutions;

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

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

161 (i) the state;

162 (ii) rural governments;

163 (iii) other public and private groups engaged in rural economic planning and
164 development; and

165 (iv) federal agencies.

166 (2) (a) The [program] Office of Rural Development may:

167 (i) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
168 make rules necessary to carry out [the] its duties [~~of the office~~];

169 (ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural

170 Utah citizens; and

171 (iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii)
172 for the use and benefit of rural citizens within the state.

173 (b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General
174 Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

175 (c) All funding for the benefit of rural Utah as defined in this section is nonlapsing.

176 Section 7. Section **63-38f-1605** is amended to read:

177 **63-38f-1605. Program manager.**

178 (1) The director of the [~~office~~] Governor's Office of Economic Development shall
179 appoint a [~~manager~~] director for the [~~program~~] Office of Rural Development with the approval
180 of the governor.

181 (2) The [~~manager~~] director of the Office of Rural Development shall be a person
182 knowledgeable in the field of rural economic development and planning and experienced in
183 administration.

184 (3) Upon change of the director of the Governor's Office of Economic Development,
185 the [~~manager of the program~~] director of the Office of Rural Development may not be dismissed
186 without cause for at least 180 days.

187 (4) The [~~manager~~] director of the Office of Rural Development shall be a member of the
188 Rural Coordinating Committee's Steering Committee created in Subsection 63C-10-202(3).

189 Section 8. Section **63-38f-1706** is amended to read:

190 **63-38f-1706. Office's authority -- Report to Legislature.**

191 (1) The office, with advice from the board, and within the limitations of this part, may
192 determine:

193 (a) the structure and amount of [~~any~~] a partial [~~rebates~~] rebate offered under this part;

194 (b) the economic impacts and job creation necessary to qualify for the incentive; and

195 (c) the other terms and conditions of an agreement entered into under this part.

196 (2) In reviewing [~~claims~~] a claim for a partial [~~rebates~~] rebate of new state revenues, the
197 office may accept the same type of information and evidence allowed under Subsections

198 63-38f-1307(2)(a) and (b).

199 (3) ~~[(a)]~~ The office shall make [a] an annual written report to the Legislature's
200 Workforce Services and Community and Economic Development Interim Committee not later
201 than November 1 of each year on:

202 [(i)] (a) the success of attracting new commercial projects to development zones under
203 this part and the corresponding increase in new incremental jobs;

204 [(ii)] (b) the period of time over which partial rebates of new state revenues shall be
205 granted under this part; and

206 [(iii)] (c) the economic impact on the state related to generating new state revenues and
207 rebating a portion of those revenues under this part.

208 ~~[(b) The office shall make the report prior to the 2006 General Session of the~~
209 ~~Legislature to enable the committee to determine whether this part should be modified during~~
210 ~~the 2006 General Session.]~~