

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

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9 **LONG TITLE**

10 **Committee Note:**

11           The Workforce Services and Community and Economic Development Interim  
12 Committee recommended this bill.

13 **General Description:**

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

17 **Highlighted Provisions:**

18           This bill:

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

27 **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **9-4-708**, as last amended by Laws of Utah 2002, Chapter 65

34 **63-38d-603**, as last amended by Laws of Utah 2006, Chapter 292

35 **63-38f-1103**, as renumbered and amended by Laws of Utah 2005, Chapter 148

36 **63-38f-1602**, as renumbered and amended by Laws of Utah 2005, Chapter 148

37 **63-38f-1603**, as renumbered and amended by Laws of Utah 2005, Chapter 148

38 **63-38f-1604**, as last amended by Laws of Utah 2006, Chapter 52

39 **63-38f-1605**, as renumbered and amended by Laws of Utah 2005, Chapter 148

40 **63-38f-1706**, as enacted by Laws of Utah 2005, Chapter 272



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

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

44 **9-4-708. Annual accounting.**

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

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

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

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

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

57 (b) evaluating the effectiveness of the program.

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

59           **63-38d-603. Powers and duties of coordinator and office.**

60           (1) The coordinator and the office shall:

61           (a) assist the state planning coordinator in fulfilling the duties outlined in Section  
62 63-38d-401 as those duties relate to the development of public lands policies by:63           (i) developing cooperative contracts and agreements between the state, political  
64 subdivisions, and agencies of the federal government for involvement in the development of  
65 public lands policies;66           (ii) producing research, documents, maps, studies, analysis, or other information that  
67 supports the state's participation in the development of public lands policy;68           (iii) preparing comments to ensure that the positions of the state and political  
69 subdivisions are considered in the development of public lands policy;

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

71           (A) prepare coordinated public lands policies;

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

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

74           (D) develop and maintain a statewide land use plan that is based on cooperation and in  
75 conjunction with political subdivisions; and76           (v) providing other information or services related to public lands policies as requested  
77 by the state planning coordinator; and

78           (b) facilitate and coordinate the exchange of information, comments, and

79 recommendations on public lands policies between and among:

80           (i) state agencies;

81           (ii) political subdivisions;

82           (iii) the Office of Rural Development [~~Program~~] created under Section 63-38f-1602;83           (iv) the Resource Development Coordinating Committee created under Section  
84 63-38d-501;85           (v) School and Institutional Trust Lands Administration created under Section  
86 53C-1-201;87           (vi) the committee created under Section 63F-1-508 to award grants to counties to  
88 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

89           (vii) the Constitutional Defense Council created under Section 63C-4-101;

90 (c) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,  
91 Chapter 8, Part 4, Historic Sites; and

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

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

96 (a) findings provided under Subsections 63-38d-401(6) and (7); and

97 (b) recommendations of the council.

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

99 **63-38f-1103. Duties of the office.**

100 The office shall:

101 (1) facilitate recycling development zones through state support of county incentives  
102 which encourage development of manufacturing enterprises that use recycling materials  
103 currently collected;

104 (2) evaluate an application from a county or municipality executive authority to be  
105 designated as a recycling market development zone and determine if the county or municipality  
106 qualifies for that designation;

107 (3) provide technical assistance to municipalities and counties in developing  
108 applications for designation as a recycling market development zone;

109 (4) assist counties and municipalities designated as recycling market development  
110 zones in obtaining assistance from the federal government and agencies of the state;

111 (5) assist [any] a qualified business in obtaining the benefits of [any] an incentive or  
112 inducement program authorized by this part;

113 (6) monitor the implementation and operation of this part and conduct a continuing  
114 evaluation of the progress made in the recycling market development zone; and

115 (7) submit an annual written report evaluating the effectiveness of the program and  
116 providing recommendations for legislation to the Workforce Services and Community and  
117 Economic Development Interim Committee and Natural Resources, Agriculture, and  
118 Environment Interim Committee not later than November 1 of each year.

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

120 **63-38f-1602. Rural Development Office -- Supervision by Governor's Office of**

121 **Economic Development.**

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

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

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

127 **63-38f-1603. Purpose of the Office of Rural Development.**

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

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

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

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

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

135 (b) economic development and planning personnel; and

136 (c) rural government officials;

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

142 (5) work to enhance the capacity of the [~~office~~] Governor's Office of Economic  
143 Development to address rural economic development, planning, and leadership training  
144 challenges and opportunities by establishing partnerships and positive working relationships  
145 with appropriate public and private sector entities, individuals, and institutions; and

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

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

149 **63-38f-1604. Duties.**

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

151 (a) provide, in conjunction with the Rural Coordinating Committee, staff support to the

152 Governor's Rural Partnership Board;

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

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

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

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

164 (i) the state;

165 (ii) rural governments;

166 (iii) other public and private groups engaged in rural economic planning and  
167 development; and

168 (iv) federal agencies.

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

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

172 (ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural  
173 Utah citizens; and

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

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

178 (c) All funding for the benefit of rural Utah as defined in this section is nonlapsing.  
179 Section 7. Section **63-38f-1605** is amended to read:

180 **63-38f-1605. Program manager.**

181 (1) The director of the [~~office~~] Governor's Office of Economic Development shall  
182 appoint a [~~manager~~] director for the [~~program~~] Office of Rural Development with the approval

183 of the governor.

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

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

190 (4) The ~~[manager]~~ director of the Office of Rural Development shall be a member of  
191 the Rural Coordinating Committee's Steering Committee created in Subsection 63C-10-202(3).  
192 Section 8. Section **63-38f-1706** is amended to read:

193 **63-38f-1706. Office's authority -- Report to Legislature.**

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

- 196 (a) the structure and amount of ~~[any]~~ a partial [rebates] rebate offered under this part;  
197 (b) the economic impacts and job creation necessary to qualify for the incentive; and  
198 (c) the other terms and conditions of an agreement entered into under this part.

199 (2) In reviewing ~~[claims]~~ a claim for a partial [rebates] rebate of new state revenues,  
200 the office may accept the same type of information and evidence allowed under Subsections  
201 63-38f-1307(2)(a) and (b).

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

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

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

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

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

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**Legislative Review Note**  
**as of 11-15-07 8:42 AM**

**Office of Legislative Research and General Counsel**



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**H.B. 59 - Community and Economic Development Technical Changes**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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