

As Engrossed: 1/31/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 302 OF 1991
HOUSE BILL 1231

4 **By: Representatives Schexnayder, Northcutt**

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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE ARKANSAS RURAL DEVELOPMENT
9 COMMISSION AND THE OFFICE OF RURAL ADVOCACY TO PROVIDE
10 LOCAL AGENCIES IN RURAL AREAS WITH INFORMATION AND
11 ASSISTANCE, TO PROVIDE FOR MEMBERS OF THE COMMISSION TO BE
12 APPOINTED BY THE GOVERNOR AND BY LEGISLATIVE OFFICIALS; TO
13 PRESCRIBE THE DUTIES OF THE COMMISSION AND THE OFFICE OF
14 RURAL ADVOCACY; AND FOR OTHER PURPOSES."

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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. This act may be known and may be cited as the "Arkansas
19 Rural Development Program Act."

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21 SECTION 2. The Arkansas General Assembly hereby finds and declares
22 that:

23 (1) Federal, state, and local resources, and individual effort
24 available to address rural needs are often isolated and limited to individual
25 symptoms of blight and deterioration. Related programs are frequently
26 inaccessible to the residents they are designed to serve. The placement of
27 such programs within the various organizational structures is indistinct and
28 many localities have inadequate numbers of managerial, professional, or
29 technical personnel to pursue such assistance. Additionally, many public and
30 private agencies also lack adequate staffing to adapt programs and services to
31 the special needs and requirements of citizens and their environs. This
32 situation has contributed to a growing confusion and disintegrating force that
33 discourages coordinated individual policy and program development and delivery
34 of services intended to address the needs of rural localities and citizens.
35 Consequently, the energies and resources of the many individual federal,
36 state, and local, public and private initiatives that could help answer rural

1 needs and capitalize on the strengths of these areas, are often frustrated or
2 diminished in their effort.

3 (2) An important role and challenge for state government, therefore, is
4 to get diverse groups to work together for the betterment of Arkansas, and to
5 combine their efforts in imaginative ways to the end that all regions of the
6 state may always offer the highest possible quality of life, cultural and
7 material standards of living without sacrificing individual freedom or
8 responsibility. The General Assembly believes that such individual efforts
9 can be significantly enhanced, and support and sustain each other in the
10 public interest; and many useful and innovative responses to rural needs will
11 be possible if a more focused and coordinated interdisciplinary approach for
12 addressing these problems and opportunities is made available through state
13 government.

14 (3) The General Assembly seeks to amplify the efforts of existing
15 agencies and individuals who are interested in such rural policy areas as
16 economic development and employment, local government and management,
17 business, agriculture, environment, land use, natural resources, community
18 revitalization, human services and community life, health care, education,
19 transportation, community facilities, and housing.

20 (4) Since no state office has been specifically created to promote,
21 harmonize, or assist efforts to address the unique needs, conditions, and
22 strengths of rural areas of the state, it is, therefore, the intent of the
23 General Assembly to create the Arkansas Rural Development Commission and a
24 state Office of Rural Advocacy. The Commission shall serve as the focal point
25 for generating rural development policy initiatives for the state of Arkansas.
26 The office shall serve as a single contact point for rural governments,
27 service providers, state and federal agencies, and for individuals interested
28 in rural policies and programs of the state; and shall strive to promote
29 cooperative and integrated efforts among such agencies and programs that are
30 designed to address rural needs; and shall recommend to the governor and to
31 the General Assembly the suitable use of policies, programs, long-range plans,
32 laws, and regulatory mechanisms in order to meet such needs.

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34 SECTION 3. As used in this act, unless the context otherwise requires:

35 (1) "Commission" means the Arkansas Rural Development Commission as
36 established by this act.

1 (2) "Director" means the chief administrative officer of the state
2 Office of Rural Advocacy as established by this act.

3 (3) "Federal agency" means any department, office, council, or agency
4 of the federal government, or any public benefit corporation or authority
5 authorized by federal statute.

6 (4) "Governing body" means:

7 (A) the city council or board of directors for a city of first or
8 second class;

9 (B) the town council for an incorporated town.

10 (C) the quorum court for a county.

11 (5) "Local governmental units" or "Local agency" means a city of the
12 first class or second class, an incorporated town, or a county or an office or
13 department thereof.

14 (6) "Municipality" means any city of the first class, city of the
15 second class, or incorporated town established under the laws of the State of
16 Arkansas.

17 (7) "Office" means the state Office of Rural Advocacy created by this
18 act.

19 (8) "Political subdivision" means a county, municipality, and any other
20 unit of local government, including a school district and an improvement
21 district, authorized by law to perform governmental functions.

22 (9) "Rural area" or "rural community" means all the territory of the
23 State of Arkansas that is not within the outer boundary of any city or town
24 having a population of twenty thousand (20,000) or more according to the
25 latest federal decennial census or within such a city's or town's neighboring
26 urbanized areas.

27 (10) "Rural development and revitalization" means those policies,
28 programs, laws, regulations, or other matters having to do with rural areas
29 including but not limited to economic development, employment, local
30 government services and management, business, agriculture, environment, land
31 use and natural resources, human services and community life, health care,
32 education, transportation, community facilities, and housing.

33 (11) "State" shall mean the State of Arkansas.

34 (12) "State agency" means any department, board, commission, office, or
35 agency of the State of Arkansas.

36 (13) "Urbanized area" means the areas of dense settlement and

1 suburbanization contiguous to the central city of a metropolitan area.

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3 SECTION 4. (a) There is hereby established the Arkansas Rural
4 Development Commission which shall consist of eleven (11) members from rural
5 areas. The members shall be appointed as follows:

6 (1) There shall be seven (7) non-legislative members of the
7 Commission appointed by the Governor to serve for terms of five (5) years.
8 One member shall be appointed from each of the four (4) congressional
9 districts of the State as constituted January 1, 1990, and shall be a resident
10 of a rural area of that congressional district. Three (3) members shall be
11 appointed from the State at-large and shall be a resident of a rural area.
12 The initial length of terms for the non-legislative members of the Commission
13 shall be of graduated lengths from one (1) year to five (5) years with two (2)
14 members serving a one (1) year term, one (1) member serving a two (2) year
15 term, two (2) members serving three (3) year terms, one (1) member serving a
16 four (4) year term, and two (2) members serving five (5) year terms. The
17 length of the initial non-legislative members terms shall be determined by lot
18 at the first meeting of the Commission. In the event of a vacancy on the
19 Commission in one of the non-legislative positions due to death, resignation,
20 or other reason, the vacancy shall be filled for the unexpired portion of the
21 term by appointment of the Governor of a person meeting the same
22 qualifications required for initial appointment. Except for the initial terms
23 of less than five (5) years in length, non-legislative members of the
24 Commission shall not be eligible for reappointment.

25 (2) There shall be four (4) legislative members of the
26 Commission. Two (2) members shall be members of the Arkansas Senate and two
27 (2) members shall be members the House of Representatives and shall be
28 appointed by and shall serve at the pleasure of the President Pro Tempore and
29 the Speaker of the House, respectively. They shall represent rural areas of
30 the state.

31 (3) *In addition to the legislative members of the Commission, the*
32 *Speaker of the House and the President Pro Tempore of the Senate shall serve*
33 *as non-voting ex-officio legislative members of the Commission.*

34 (b) The Commission shall select by majority vote one of its members to
35 serve as a chairman and one to serve as a secretary.

36 (c) The Commission shall have the power to prescribe and issue pursuant

1 to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et
2 seq., such reasonable rules and regulations as may be necessary to carry out
3 the provisions of this act.

4 (d) The Commission shall prepare and submit biennially, beginning on or
5 before January 1, 1993 and on January first of each second year thereafter, a
6 comprehensive report concerning the assistance activities undertaken by the
7 office under the direction of the Commission, any recommendations for
8 legislative proposals, data concerning program activities in rural areas, and
9 other pertinent information which, in the opinion of the Commission, will
10 indicate the activities conducted by the office and the Commission in the
11 previous biennium.

12 (e) Non-legislative members of the commission shall serve without
13 compensation, provided that, in the event funds shall be appropriated for such
14 purposes, the members may be entitled to receive reimbursement for their
15 actual and necessary costs of meals, lodging, and travel expenses while
16 engaged in Commission business at a rate not to exceed the maximum established
17 by law or regulation for travel by state employees. The legislative members
18 shall receive, in lieu of reimbursement for meals, lodging, and travel, the
19 same per diem and mileage allowance for each day of attending meetings of the
20 Commission as is authorized by law for attending meetings of the joint interim
21 committees of the General Assembly and shall be paid from funds appropriated
22 for that purpose.

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24 SECTION 5. (a) There is hereby created the Office of Rural Advocacy.
25 The head of the office shall be the Director of Rural Advocacy who shall be
26 appointed by the Governor, subject to confirmation by the Arkansas Rural
27 Development Commission, and who shall serve at his pleasure.

28 (b) The Director shall employ necessary staff to carry out the duties
29 and functions of the office as otherwise provided in this act or as otherwise
30 provided by law.

31 (c) The Governor shall direct that all state agencies provide the
32 Director with assistance in advancing the purpose of the office to assure that
33 the activities of the office are fully coordinated with the activities of
34 state agencies providing related services.

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1 SECTION 6. The Arkansas Rural Development Commission, by and through
2 the Office of Rural Advocacy, the Director and his duly authorized officers
3 and employees, shall have the following functions, powers, and duties:

4 (1) To serve as a clearinghouse and provide comprehensive information
5 relating to rural development and revitalization upon request to any agency,
6 individual, or corporation.

7 (2) To advise and assist agencies, individuals, and corporations in
8 answering particular rural revitalization and development needs, including
9 cooperative efforts among such agencies, individuals, and corporations to
10 solve common problems or provide services in these areas.

11 (3) To receive notification from all state and federal agencies,
12 individuals, or corporations engaged in rural development and revitalization
13 of program descriptions, appropriation data, and application procedures. The
14 office shall maintain a listing of existing programs and advise local
15 agencies, individuals, or corporations of their existence.

16 (4) To assist, upon request, applicant local agencies, individuals, or
17 corporations located in rural areas in obtaining timely and efficient
18 responses from state and federal agencies; to assist such applicants in
19 consideration of alternative program grant strategies; to assist state and
20 federal agencies in cooperative approaches to address the needs of such
21 applicants; and to provide technical assistance to agencies in formulating and
22 implementing rural development and revitalization programs.

23 (5) To assist the Governor and the legislature in the integration and
24 formulation of state rural development and revitalization policy and long-
25 range plans for rural areas and in answering needs related thereto.

26 (6) To analyze and make recommendations concerning proposed new state
27 legislation or programs that may affect rural areas.

28 (7) To apply for and receive grants or financial assistance from the
29 federal government or other agencies, individuals, or corporations.

30 (8) To assist the Governor in coordinating the activities and services
31 of those departments and agencies of the state having relationships with local
32 rural agencies, individuals, and corporations in order to provide more
33 effective service to them and to simplify state procedures relating thereto.

34 (9) To keep the Governor informed about the problems and needs of
35 agencies, individuals, and corporations that are involved with rural

1 development and revitalization and to assist in formulating policies with
2 respect thereto and utilizing the resources of the state government for the
3 benefit of rural areas.

4 (10) To work toward the establishment of a non-profit foundation, a
5 Center for Rural Arkansas, to access state and federal government and private
6 non-profit and corporate foundation grant funds to aid in rural development
7 and revitalization for rural Arkansas.

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9 SECTION 7. (a) The office shall request such specific information as
10 the Commission and Director determine to be necessary concerning assistance
11 programs and grants administered by federal, state, and local agencies,
12 individuals, and corporations designed to enhance rural areas. Such
13 information shall be used to advise local agencies, individuals, or
14 corporations for the purpose of promoting coordination in program or grant
15 efforts wherever feasible or proper.

16 (b) Any political subdivision requesting program grants or assistance
17 in order to address rural development and revitalization needs, conditions, or
18 strengths in rural areas may, pursuant to the rules of the Commission, confer
19 with the office to obtain assistance in the gaining the most prompt and
20 efficient processing and review of any grant applications.

21 (c) The office shall, so far as possible, render such assistance, and
22 the Commission may designate an officer or employee of the office to act as an
23 expeditor for the purpose of:

24 (1) Facilitating contacts for the applicant with state, federal
25 or local agencies, individuals, or corporations responsible for processing and
26 reviewing grant applications.

27 (2) Arranging conferences to clarify the interest and
28 requirements of any such agency, individual, or corporation with respect to
29 grant applications.

30 (3) Considering with the agency, individual, or corporation the
31 feasibility of consolidating hearings and data required of the applicant.

32 (4) Assisting the applicant in the resolution of outstanding
33 issues identified by the agency, individual, or corporation, including delays
34 experienced in application review.

35 (5) Coordinating federal, state, and local grant application

1 review actions and assistance programs to the extent practicable.

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3 SECTION 8. All provisions of this Act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 9. If any provisions of this act or the application thereof to
8 any person or circumstance is held invalid, the invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provisions or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 10. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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16 SECTION 11. Emergency. It is hereby found and determined by the
17 Seventy-Eighth General Assembly of the State of Arkansas that many rural
18 communities lack the expertise to deal with the multitude of various federal
19 and state government programs for rural development and that there is no
20 single uniform set of state government policies directed at addressing the
21 need for rural development and revitalization. Therefore, in order to assist
22 rural communities in understanding the state and federal programs available
23 for rural development and to promote and stimulate a uniform rural development
24 policy for Arkansas, an emergency is hereby declared to exist, and this act
25 being necessary for the immediate preservation of the public peace, health,
26 and safety, shall be in full force and effect from and after its passage and
27 approval.

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29 /s/ C. Schexnayder and W. Northcutt

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APPROVED: 3-1-91

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