

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/3/99

A Bill

Act 935 of 1999
HOUSE BILL 1876

5 By: Representatives Faris, Angel, and Teague
6 By: Senators Edwards, Hopkins, K. Smith, and Scott
7

For An Act To Be Entitled

10 "AN ACT TO RENAME THE 'OFFICE OF RURAL ADVOCACY' AS
11 THE 'DEPARTMENT OF RURAL SERVICES'; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "AN ACT TO RENAME THE 'OFFICE OF RURAL
16 ADVOCACY' AS THE 'DEPARTMENT OF RURAL
17 SERVICES'."

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 15-6-102 is amended to read as follows:

23 "15-6-102. Legislative intent.

24 (a) The General Assembly hereby finds and declares that:

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

1 Consequently, the energies and resources of the many individual federal,
2 state, and local, public and private initiatives that could help answer rural
3 needs and capitalize on the strengths of these areas are often frustrated or
4 diminished in their effort;

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

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

22 (4) Since no state office has been specifically created to
23 promote, harmonize, or assist efforts to address the unique needs, conditions,
24 and strengths of rural areas of the state, it is, therefore, the intent of the
25 General Assembly to create the Arkansas Rural Development Commission and ~~an~~
26 ~~Office of Rural Advocacy~~ a Department of Rural Services. The commission shall
27 serve as the focal point for generating rural development policy initiatives
28 for the State of Arkansas.

29 (b) The ~~office~~ department shall:

30 (1) Serve as a single contact point for rural governments,
31 service providers, state and federal agencies, and for individuals interested
32 in rural policies and programs of the state;

33 (2) Strive to promote cooperative and integrated efforts among
34 such agencies and programs that are designed to address rural needs;

35 (3) Recommend to the Governor and to the General Assembly the
36 suitable use of policies, programs, long-range plans, laws, and regulatory

1 mechanisms in order to meet such needs.”

2

3 SECTION 2. Arkansas Code 15-6-103 is amended to read as follows:

4 “15-6-103. Definitions.

5 As used in this chapter, unless the context otherwise requires:

6 (1) ‘Commission’ means the Arkansas Rural Development Commission
7 as established by this chapter;

8 (2) ‘Department’ means the Department of Rural Services
9 established by this chapter;

10 ~~(2)(3)~~ (3) ‘Director’ means the chief administrative officer of the
11 ~~Office of Rural Advocacy~~ Department of Rural Services as established by this
12 chapter;

13 ~~(3)(4)~~ (4) ‘Federal agency’ means any department, office, council, or
14 agency of the federal government, or any public benefit corporation or
15 authority authorized by federal statute;

16 ~~(4)(5)~~ (5) ‘Governing body’ means:

17 (A) The city council or board of directors for a city of
18 the first class or second class;

19 (B) The town council for an incorporated town;

20 (C) The quorum court for a county;

21 ~~(5)(6)~~ (6) ‘Local governmental units’ or ‘local agency’ means a city
22 of the first class or second class, an incorporated town, or a county or an
23 office or department thereof;

24 ~~(6)(7)~~ (7) ‘Municipality’ means any city of the first class, city of
25 the second class, or incorporated town established under the laws of the State
26 of Arkansas;

27 ~~(7) ‘Office’ means the Office of Rural Advocacy created by this~~
28 ~~chapter;~~

29 (8) ‘Political subdivision’ means a county, municipality, and any
30 other unit of local government, including a school district and an improvement
31 district, authorized by law to perform governmental functions;

32 (9) ‘Rural area’ or ‘rural community’ means all the territory of
33 the State of Arkansas that is not within the outer boundary of any city or
34 town having a population of twenty thousand (20,000) or more according to the
35 latest federal decennial census or within such a city’s or town’s neighboring
36 urbanized areas;

1 (10) 'Rural development and revitalization' means those policies,
 2 programs, laws, regulations, or other matters having to do with rural areas,
 3 including, but not limited to, economic development, employment, local
 4 government services and management, business, agriculture, environment, land
 5 use and natural resources, human services and community life, health care,
 6 education, transportation, community facilities, and housing;

7 (11) 'State' shall mean the State of Arkansas;

8 (12) 'State agency' means any department, board, commission,
 9 office, or agency of the State of Arkansas; and

10 (13) 'Urbanized area' means the areas of dense settlement and
 11 suburbanization contiguous to the central city of a metropolitan area."

12
 13 SECTION 3. Arkansas Code 15-6-105 is amended to read as follows:

14 "15-6-105. ~~Office of Rural Advocacy~~ Department of Rural Services.

15 (a) There is hereby created the ~~Office of Rural Advocacy~~ Department of
 16 Rural Services.

17 (b) The head of the ~~office~~ department shall be the Director of ~~Rural~~
 18 ~~Advocacy~~ the Department of Rural Services who shall be appointed by the
 19 Governor, subject to confirmation by the Arkansas Rural Development
 20 Commission, and who shall serve at his pleasure.

21 (c) The director shall employ necessary staff to carry out the duties
 22 and functions of the ~~office~~ department as otherwise provided in this chapter
 23 or as otherwise provided by law.

24 (d) The Governor shall direct that all state agencies provide the
 25 director with assistance in advancing the purpose of the ~~office~~ department to
 26 assure that the activities of the ~~office~~ department are fully coordinated with
 27 the activities of state agencies providing related services."

28
 29 SECTION 4. Arkansas Code 15-6-106 is amended to read as follows:

30 "15-6-106. Arkansas Rural Development Commission - ~~Office of Rural~~
 31 ~~Advocacy~~ Department of Rural Services - Functions, powers, and duties.

32 (a) The Arkansas Rural Development Commission, by and through the
 33 ~~Office of Rural Advocacy~~ Department of Rural Services, the director and his
 34 duly authorized officers and employees, shall have the following functions,
 35 powers, and duties:

36 (1) To serve as a clearinghouse and provide comprehensive

1 information relating to rural development and revitalization upon request to
2 any agency, individual, or corporation;

3 (2) To advise and assist agencies, individuals, and corporations
4 in answering particular rural revitalization and development needs, including
5 cooperative efforts among such agencies, individuals, and corporations to
6 solve common problems or provide services in these areas;

7 (3) To receive notification from all state and federal agencies,
8 individuals, or corporations engaged in rural development and revitalization
9 of program descriptions, appropriation data, and application procedures. The
10 ~~office~~ department shall maintain a listing of existing programs and advise
11 local agencies, individuals, or corporations of their existence;

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

19 (5) To assist the Governor and the General Assembly in the
20 integration and formulation of state rural development and revitalization
21 policy and long-range plans for rural areas and in answering needs related
22 thereto;

23 (6) To analyze and make recommendations concerning proposed new
24 state legislation or programs that may affect rural areas;

25 (7) To apply for and receive grants or financial assistance from
26 the federal government or other agencies, individuals, or corporations;

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

32 (9) To keep the Governor informed about the problems and needs of
33 agencies, individuals, and corporations that are involved with rural
34 development and revitalization and to assist in formulating policies with
35 respect thereto and utilizing the resources of the state government for the
36 benefit of rural areas; and

1 (10) To promote and encourage the establishment of a nonprofit
2 foundation, a Center for Rural Arkansas, and to cooperate and coordinate with
3 and assist the center in accessing state and federal government and private
4 nonprofit and corporate foundation grant funds to aid in rural development and
5 revitalization for rural Arkansas.

6 (b) The commission shall have the power to prescribe and issue,
7 pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,
8 such reasonable rules and regulations as may be necessary to carry out the
9 provisions of this chapter.

10 (c) The commission shall prepare and submit biennially, on January 1, a
11 comprehensive report concerning the assistance activities undertaken by the
12 ~~office~~ department under the direction of the commission, any recommendations
13 for legislative proposals, data concerning program activities in rural areas,
14 and other pertinent information which, in the opinion of the commission, will
15 indicate the activities conducted by the ~~office~~ department and the commission
16 in the previous biennium."

17
18 SECTION 5. Arkansas Code 15-6-107 is amended to read as follows:
19 "15-6-107. Assistance programs and grants.

20 (a) The ~~office~~ department shall request such specific information as
21 the commission and the director determine to be necessary concerning
22 assistance programs and grants administered by federal, state, and local
23 agencies, individuals, and corporations designed to enhance rural areas. Such
24 information shall be used to advise local agencies, individuals, or
25 corporations for the purpose of promoting coordination in program or grant
26 efforts wherever feasible or proper.

27 (b) Any political subdivision requesting program grants or assistance
28 in order to address rural development and revitalization needs, conditions, or
29 strengths in rural areas may, pursuant to the rules of the commission, confer
30 with the ~~office~~ department to obtain assistance in gaining the most prompt and
31 efficient processing and review of any grant applications.

32 (c) The ~~office~~ department shall, so far as possible, render such
33 assistance, and the commission may designate an officer or employee of the
34 ~~office~~ department to act as an expeditor for the purpose of:

35 (1) Facilitating contacts for the applicant with state, federal,
36 or local agencies, individuals, or corporations responsible for processing and

1 reviewing grant applications;

2 (2) Arranging conferences to clarify the interest and
3 requirements of any such agency, individual, or corporation with respect to
4 grant applications;

5 (3) Considering with the agency, individual, or corporation the
6 feasibility of consolidating hearings and data required of the applicant;

7 (4) Assisting the applicant in the resolution of outstanding
8 issues identified by the agency, individual, or corporation, including delays
9 experienced in application review; and

10 (5) Coordinating federal, state, and local grant application
11 review actions and assistance programs to the extent practicable."

12

13 SECTION 6. Arkansas Code 19-5-302 (10)(A)(ii)(t), concerning the State
14 General Services Fund Account, is amended to read as follows:

15 "(t) ~~Office of Rural Advocacy~~ Department of Rural Services;"

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17 SECTION 7. Arkansas Code 19-5-997 is amended to read as follows:

18 "19-5-997. Center for Rural Arkansas Trust Fund.

19 There is hereby established on the books of the Treasurer of State,
20 Auditor of State, and Chief Fiscal Officer of the State, a fund to be known as
21 the Center for Rural Arkansas Trust Fund. This fund shall consist of those
22 funds that may be received from private, foundation and corporate sources and
23 funds provided by the General Assembly to be used to finance the appropriation
24 made by this Act for the Center for Rural Arkansas. The ~~Office of Rural~~
25 ~~Advocacy~~ Department of Rural Services shall only transfer the interest
26 earnings from the fund annually to finance the appropriations made for its
27 matching grant programs with the principal amount to remain in the fund."

28

29 SECTION 8. Arkansas Code 27-3-103 (b) is amended to read as follows:

30 "(b) The members shall be as follows:

31 (1) There shall be three (3) members of the council appointed by
32 the Governor to serve for terms of four (4) years.

33 (A) One (1) member shall be appointed to represent the
34 transit operators and shall be directly involved with the management of a
35 public transit system.

36 (B) One (1) member shall be appointed to represent the

1 consumers of public transportation services.

2 (C) One (1) member shall be appointed as a member at large.

3 (D) In the event of a vacancy on the council of one (1) of
4 the gubernatorial positions due to death, resignation, or other reason, the
5 vacancy shall be filled for the unexpired portion of the term by appointment
6 of the Governor of a person meeting the same qualifications required for the
7 initial appointment;

8 (2) There shall be two (2) legislative members of the council.
9 One (1) shall be a member of the Senate and one shall be a member of the House
10 of Representatives and shall be appointed by and shall serve at the pleasure
11 of the President Pro Tempore of the Senate and the Speaker of the House of
12 Representatives, respectively;

13 (3) The remaining six (6) members of the council shall be:

14 (A) The Director of the Department of Human Services or his
15 designee;

16 (B) The Director of State Highways and Transportation or
17 his designee;

18 (C) The Director of the Department of Health or his
19 designee;

20 (D) The Director of the Arkansas Economic Development
21 Commission or his designee;

22 (E) The Director of the ~~Office of Rural Advocacy Department~~
23 of Rural Services of the Arkansas Rural Development Commission or his
24 designee; and

25 (F) The Director of the University of Arkansas Cooperative
26 Extension Service or his designee; and

27 (4) The Director of State Highways and Transportation or his
28 designee shall serve as chair."

29
30 SECTION 9. All provisions of this act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

33
34 SECTION 10. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 11. All laws and parts of laws in conflict with this act are
5 hereby repealed.

6

/s/ Faris, et al

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APPROVED: 3/29/1999

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