

As Engrossed: 1/31/91

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

A Bill

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,

1 state, and local, public and private initiatives that could help answer rural
2 needs and capitalize on the strengths of these areas, are often frustrated or
3 diminished in their effort.

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

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

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

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

36 (1) "Commission" means the Arkansas Rural Development Commission as

1 established by this act.

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

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

7 (4) "Governing body" means:

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

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

11 (C) the quorum court for a county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) The Commission shall have the power to prescribe and issue pursuant
2 to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et
3 seq., such reasonable rules and regulations as may be necessary to carry out
4 the provisions of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) To keep the Governor informed about the problems and needs of

1 agencies, individuals, and corporations that are involved with rural
2 development and revitalization and to assist in formulating policies with
3 respect thereto and utilizing the resources of the state government for the
4 benefit of rural areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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30 /s/ C. Schexnayder and W. Northcutt

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