

RETIREMENT ANALYSIS FOR NEW PUBLIC ENTITIES

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Retirement and Independent Entities Interim Committee recommended this bill.

General Description:

This bill modifies Title 67, Chapter 1a, Lieutenant Governor, by amending notice of an impending boundary action requirement before certification by the lieutenant governor for the creation or modification of certain local entities.

Highlighted Provisions:

This bill:

- ▶ requires a person or body required to submit a notice of an impending boundary action that creates or incorporates a local entity to the lieutenant governor to include a letter from the Utah State Retirement Office identifying potential retirement provisions that the local entity shall comply with related to the boundary action, if the impending proposed boundary action may result in a local entity that employs personnel; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **67-1a-6.5**, as last amended by Laws of Utah 2010, Chapter 218



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

32 Section 1. Section **67-1a-6.5** is amended to read:

33 **67-1a-6.5. Certification of local entity boundary actions -- Definitions -- Notice**
34 **requirements -- Electronic copies -- Filing.**

35 (1) As used in this section:

36 (a) "Applicable certificate" means:

37 (i) for the impending incorporation of a city, town, local district, or conservation
38 district, a certificate of incorporation;

39 (ii) for the impending creation of a county, school district, special service district,
40 community development and renewal agency, or interlocal entity, a certificate of creation;

41 (iii) for the impending annexation of territory to an existing local entity, a certificate of
42 annexation;

43 (iv) for the impending withdrawal or disconnection of territory from an existing local
44 entity, a certificate of withdrawal or disconnection, respectively;

45 (v) for the impending consolidation of multiple local entities, a certificate of
46 consolidation;

47 (vi) for the impending division of a local entity into multiple local entities, a certificate
48 of division;

49 (vii) for the impending adjustment of a common boundary between local entities, a
50 certificate of boundary adjustment; and

51 (viii) for the impending dissolution of a local entity, a certificate of dissolution.

52 (b) "Approved final local entity plat" means a final local entity plat, as defined in
53 Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by
54 the county surveyor.

55 (c) "Approving authority" has the same meaning as defined in Section 17-23-20.

56 (d) "Boundary action" has the same meaning as defined in Section 17-23-20.

57 (e) "Center" means the Automated Geographic Reference Center created under Section
58 63F-1-506.

59 (f) "Community development and renewal agency" has the same meaning as defined in
60 Section 17C-1-102.

61 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.

62 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.

63 (i) "Local district" has the same meaning as defined in Section 17B-1-102.

64 (j) "Local entity" means a county, city, town, school district, local district, community
65 development and renewal agency, special service district, conservation district, or interlocal
66 entity.

67 (k) "Notice of an impending boundary action" means a written notice, as described in
68 Subsection (3), that provides notice of an impending boundary action.

69 (l) "Special service district" has the same meaning as defined in Section 17D-1-102.

70 (2) Within 10 days after receiving a notice of an impending boundary action, the
71 lieutenant governor shall:

72 (a) (i) issue the applicable certificate, if:

73 (A) the lieutenant governor determines that the notice of an impending boundary action
74 meets the requirements of Subsection (3); and

75 (B) except in the case of an impending local entity dissolution, the notice of an
76 impending boundary action is accompanied by an approved final local entity plat;

77 (ii) send the applicable certificate to the local entity's approving authority;

78 (iii) return the original of the approved final local entity plat to the local entity's
79 approving authority;

80 (iv) send a copy of the applicable certificate and approved final local entity plat to:

81 (A) the State Tax Commission;

82 (B) the center; and

83 (C) the county assessor, county surveyor, county auditor, and county attorney of each
84 county in which the property depicted on the approved final local entity plat is located; and

85 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
86 that is the subject of the applicable certificate is:

87 (A) the incorporation or creation of a new local entity;

88 (B) the consolidation of multiple local entities;

89 (C) the division of a local entity into multiple local entities; or

90 (D) the dissolution of a local entity; or

91 (b) (i) send written notification to the approving authority that the lieutenant governor
92 is unable to issue the applicable certificate, if:

93 (A) the lieutenant governor determines that the notice of an impending boundary action
94 does not meet the requirements of Subsection (3); or

95 (B) the notice of an impending boundary action is:

96 (I) not accompanied by an approved final local entity plat; or

97 (II) accompanied by a plat or final local entity plat that has not been approved as a final
98 local entity plat by the county surveyor under Section 17-23-20; and

99 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
100 unable to issue the applicable certificate.

101 (3) Each notice of an impending boundary action shall:

102 (a) be directed to the lieutenant governor;

103 (b) contain the name of the local entity or, in the case of an incorporation or creation,
104 future local entity, whose boundary is affected or established by the boundary action;

105 (c) describe the type of boundary action for which an applicable certificate is sought;

106 [~~and~~]

107 (d) be accompanied by a letter from the Utah State Retirement Office, created under
108 Section 49-11-201, to the approving authority that identifies the potential provisions under
109 Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply
110 with, related to the boundary action, if the boundary action is an impending incorporation or
111 creation of a local entity that may result in the employment of personnel; and

112 [~~(d)~~] (e) (i) contain a statement, signed and verified by the approving authority,
113 certifying that all requirements applicable to the boundary action have been met; or

114 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy
115 of the court order approving the dissolution of the municipality.

116 (4) The lieutenant governor may require the approving authority to submit a paper or
117 electronic copy of a notice of an impending boundary action and approved final local entity plat
118 in conjunction with the filing of the original of those documents.

119 (5) (a) The lieutenant governor shall:

120 (i) keep, index, maintain, and make available to the public each notice of an impending

121 boundary action, approved final local entity plat, applicable certificate, and other document that
122 the lieutenant governor receives or generates under this section;

123 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the
124 Internet for 12 months after the lieutenant governor receives or generates the document;

125 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
126 person who requests a paper copy; and

127 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
128 any person who requests a certified copy.

129 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
130 copy of a document that the lieutenant governor provides under this Subsection (5).

Legislative Review Note
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Office of Legislative Research and General Counsel