

**67-11-5 Political subdivisions of state -- Planned participation.**

- (1) Each political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable provisions of such act, to employees of such political subdivision. Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in rules of the state agency, except that no such plan shall be approved unless:
  - (a) it is in conformity with the requirements of the Social Security Act and with the agreement entered into under Section 67-11-3;
  - (b) it provides that all services which constitute employment as defined in Section 67-11-2 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;
  - (c) it specifies the source or sources from which the funds necessary to make the payments required by Subsections (3) and (4) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;
  - (d) it provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration of the plan;
  - (e) it provides that the political subdivision will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the federal security administrator may from time to time find necessary to assure the correctness and verification of such reports; and
  - (f) it authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by rules of the state agency and may be consistent with the provisions of the Social Security Act.
- (2) The state agency shall not finally refuse to approve a plan submitted by a political subdivision under Subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.
- (3)
  - (a) Each political subdivision as to which a plan has been approved under this section shall pay into the Contribution Fund, with respect to wages, as defined in Section 67-11-2, at such time or times as the state agency may by rule prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under Section 67-11-3.
  - (b) Each political subdivision required to make payment under Subsection (3)(a) shall, in consideration of the employees retention in, or entry upon, employment after enactment of this chapter, impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages, as defined in Section 67-11-2, not exceeding the amount of tax which would be imposed by Section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such political subdivision or instrumentality under this Subsection (3). Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.
- (4) Delinquent payments due under Subsection (3) may, with interest at the rate of 4% per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable

therefor or may, at the request of the state agency, be deducted from any other money payable to such subdivision by any department, agency, or fund of the state.

Amended by Chapter 306, 2007 General Session