

Senator Ralph Okerlund proposes the following substitute bill:

MUNICIPAL BOUNDARY CLARIFICATION

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Patrick Painter

LONG TITLE

General Description:

This bill modifies provisions relating to a municipal boundary found in geographic information system data.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a county recorder, a county surveyor, and the state cadastral surveyor to cooperate in correcting a municipal boundary in geographic information systems data to accurately represent the location of the municipal boundary;
- ▶ clarifies the repository authority regarding geographic information system data representing the location of the boundary of a political subdivision;
- ▶ requires certain governmental entities to use a corrected municipal boundary;
- ▶ sets a repeal date of July 1, 2014, to repeal the requirement for a county recorder, county surveyor, and state cadastral surveyor to cooperate in correcting a municipal boundary in geographic information systems data; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63F-1-506**, as last amended by Laws of Utah 2009, Chapter 350

31 **63F-1-507**, as last amended by Laws of Utah 2009, Chapter 350

32 **63I-2-210**, as last amended by Laws of Utah 2009, Chapter 205

33 **67-1a-6.5**, as repealed and reenacted by Laws of Utah 2009, Chapter 350

34 ENACTS:

35 **10-2-801**, Utah Code Annotated 1953



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

38 Section 1. Section **10-2-801** is enacted to read:

39 **Part 8. Municipal Boundary Clarification**

40 **10-2-801. Municipal boundary graphical representation in State Geographic**

41 **Information Database -- Require use of correct boundary.**

42 (1) As used in this section:

43 (a) "Geographic information system" is as defined in Section 63F-1-502.

44 (b) "State cadastral surveyor" means the surveyor whose position is established within
45 the Automated Geographic Reference Center under Section 63F-1-506.

46 (c) "State Geographic Information Database" means the database created under Section
47 63F-1-507.

48 (2) A county recorder, a county surveyor, and the state cadastral surveyor shall
49 cooperate in correcting the geographic information systems boundary data in the state
50 geographic information database to accurately represent the location of a municipal boundary
51 according to:

52 (a) records or data described in Subsection (3)(a); and

53 (b) data described in Subsection (4)(a).

54 (3) At the request of the state cadastral surveyor, a county recorder shall:

55 (a) within a reasonable time of the request, provide to the state cadastral surveyor a
56 copy of municipal boundary records and data on file with the county recorder that create,

57 dissolve, or in any way change a municipal boundary within the county; and
58 (b) assist the state cadastral surveyor in correcting, under Subsection (5)(a), the
59 geographic information systems boundary data found in the state geographic information
60 database to accurately represent the location of the municipal boundary according to:
61 (i) records or data described in Subsection (3)(a); and
62 (ii) data described in Subsection (4)(a).
63 (4) At the request of the state cadastral surveyor, a county surveyor shall:
64 (a) within a reasonable time, provide to the state cadastral surveyor geographic
65 information systems data used by the county as survey control, including Public Land Survey
66 System section corners; and
67 (b) assist the state cadastral surveyor in correcting, under Subsection (5)(a), the
68 geographic information systems boundary data found in the state geographic information
69 database to accurately represent the location of a municipal boundary according to:
70 (i) records or data described in Subsection (3)(a); and
71 (ii) data described in Subsection (4)(a).
72 (5) The state cadastral surveyor shall:
73 (a) if necessary, correct the geographic information systems boundary data found in the
74 state geographic information database to accurately represent the location of a municipal
75 boundary according to:
76 (i) records or data described in Subsection (3)(a); and
77 (ii) data described in Subsection (4)(a); and
78 (b) for each correction under Subsection (5)(a), report the correction to:
79 (i) the municipality whose boundary is corrected;
80 (ii) the county recorder of the county in which the municipality is located;
81 (iii) the county surveyor of the county in which the municipality is located; and
82 (iv) the State Tax Commission.
83 (6) Each entity listed in Subsection (5)(b) shall:
84 (a) correct the entity's geographic information systems data to reflect a correction
85 reported under Subsection (5)(b); and
86 (b) use the corrected municipal boundary when depicting the municipal boundary on
87 maps and other map-like products.

88 Section 2. Section **63F-1-506** is amended to read:

89 **63F-1-506. Automated Geographic Reference Center.**

90 (1) There is created the Automated Geographic Reference Center as part of the
91 division.

92 (2) The center shall:

93 (a) provide geographic information system services to state agencies under rules
94 adopted in accordance with Section 63F-1-504 and policies established by the division;

95 (b) provide geographic information system services to federal government, local
96 political subdivisions, and private persons under rules and policies established by the division;

97 (c) manage the State Geographic Information Database; and

98 (d) establish standard format, lineage, and other requirements for the database.

99 (3) (a) There is created a position of surveyor within the center.

100 (b) The surveyor under this Subsection (3) shall:

101 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional
102 Engineers and Land Surveyors Licensing Act;

103 (ii) provide technical support to the office of lieutenant governor in the lieutenant
104 governor's evaluation under Section 67-1a-6.5 of a proposed boundary action, as defined in
105 Section 17-23-20;

106 (iii) in accordance with Section 10-2-801, cooperate with a county recorder and county
107 surveyor in correcting the geographic information systems boundary data found in the state
108 geographic information database to accurately reflect the location of a municipal boundary
109 according to:

110 (A) records or data described in Subsection 10-2-801(3)(a); and

111 (B) data described in Subsection 10-2-801(4)(a);

112 [~~(iii)~~] (iv) as requested by a county surveyor, provide technical assistance to the county
113 surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;

114 [~~(iv)~~] (v) fulfill the duties described in Section 17-50-105, if engaged to do so as
115 provided in that section;

116 [~~(v)~~] (vi) assist the State Tax Commission in processing and quality assurance of
117 boundary descriptions or maps into digital format for inclusion in the State Geographic
118 Information Database;

119 [~~(vi)~~] (vii) coordinate with county recorders and surveyors to create a statewide parcel
120 layer in the State Geographic Information Database containing parcel boundary, parcel
121 identifier, parcel address, owner type, and county recorder contact information; and

122 [~~(vii)~~] (viii) facilitate and integrate the collection efforts of local government and
123 federal agencies for data collection to densify and enhance the statewide Public Land Survey
124 System reference network in the State Geographic Information Database.

125 (4) The division may:

126 (a) make rules and establish policies to govern the center and its operations; and

127 (b) set fees for the services provided by the center.

128 (5) The state may not sell information obtained from counties under Subsection

129 (3)(b)[~~(v)~~](vii).

130 Section 3. Section **63F-1-507** is amended to read:

131 **63F-1-507. State Geographic Information Database.**

132 (1) There is created a State Geographic Information Database to be managed by the
133 center.

134 (2) The database shall:

135 (a) serve as the central reference for all information contained in any GIS database by
136 any state agency;

137 (b) serve as a clearing house and repository for all data layers required by multiple
138 users;

139 (c) serve as a standard format for geographic information acquired, purchased, or
140 produced by any state agency; and

141 (d) include an accurate representation of all civil subdivision boundaries of the state.

142 (3) The boundary of a political subdivision contained within the database is the official
143 boundary of the political subdivision for administrative purposes, including geographic data
144 analysis that supports state administrative functions relating to:

145 (a) revenue collection;

146 (b) disbursement of funds;

147 (c) location-based jurisdictional information services and applications;

148 (d) data quality control processes; and

149 (e) cartographic referencing.

150 [(3)] (4) Each state agency that acquires, purchases, or produces digital geographic
151 information data shall:

152 (a) inform the center of the existence of the data layers and their geographic extent;

153 (b) allow the center access to all data classified public; and

154 (c) comply with any database requirements established by the center.

155 [~~(4) At least annually, the State Tax Commission shall deliver to the center information~~
156 ~~the State Tax Commission receives under Section 67-1a-6.5 relating to the creation or~~
157 ~~modification of the boundaries of political subdivisions.]~~

158 (5) The boundary of a political subdivision within the State Geographic Information
159 Database is the official boundary of the political subdivision for purposes of meeting the needs
160 of the United States Bureau of the Census in identifying the boundary of the political
161 subdivision.

162 Section 4. Section **63I-2-210** is amended to read:

163 **63I-2-210. Repeal dates -- Title 10.**

164 (1) Section 10-2-801 is repealed July 1, 2014.

165 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

166 Section 5. Section **67-1a-6.5** is amended to read:

167 **67-1a-6.5. Certification of local entity boundary actions.**

168 (1) As used in this section:

169 (a) "Applicable certificate" means:

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

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

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

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

178 (v) for the impending consolidation of multiple local entities, a certificate of
179 consolidation;

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

181 of division;

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

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

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

188 (c) "Approving authority" ~~[has the same meaning]~~ is as defined in Section 17-23-20.

189 (d) "Boundary action" ~~[has the same meaning]~~ is as defined in Section 17-23-20.

190 (e) "Center" means the Automated Geographic Reference Center created under Section
191 63F-1-506.

192 (f) "Community development and renewal agency" ~~[has the same meaning]~~ is as
193 defined in Section 17C-1-102.

194 (g) "Conservation district" ~~[has the same meaning]~~ is as defined in Section 17D-3-102.

195 (h) "Geographic information system" is as defined in Section 63F-1-502.

196 ~~[(h)]~~ (i) "Interlocal entity" ~~[has the same meaning]~~ is as defined in Section 11-13-103.

197 ~~[(i)]~~ (j) "Local district" ~~[has the same meaning]~~ is as defined in Section 17B-1-102.

198 ~~[(j)]~~ (k) "Local entity" means a county, city, town, school district, local district,
199 community development and renewal agency, special service district, conservation district, or
200 interlocal entity.

201 ~~[(k)]~~ (l) "Notice of an impending boundary action" means a written notice, as described
202 in Subsection (3), that provides notice of an impending boundary action.

203 ~~[(l)]~~ (m) "Special service district" ~~[has the same meaning]~~ is as defined in Section
204 17D-1-102.

205 (n) "State Geographic Information Database" means the database created under Section
206 63F-1-507.

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

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

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

212 (B) except in the case of an impending local entity dissolution, the notice of an
213 impending boundary action is accompanied by an approved final local entity plat;
214 (ii) send the applicable certificate to the local entity's approving authority;
215 (iii) return the original of the approved final local entity plat to the local entity's
216 approving authority;
217 (iv) send a copy of the applicable certificate and approved final local entity plat to:
218 (A) the State Tax Commission;
219 (B) the center; and
220 (C) the county assessor, county surveyor, county auditor, and county attorney of each
221 county in which the property depicted on the approved final local entity plat is located; and
222 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
223 that is the subject of the applicable certificate is:
224 (A) the incorporation or creation of a new local entity;
225 (B) the consolidation of multiple local entities;
226 (C) the division of a local entity into multiple local entities; or
227 (D) the dissolution of a local entity; or
228 (b) (i) send written notification to the approving authority that the lieutenant governor
229 is unable to issue the applicable certificate, if:
230 (A) the lieutenant governor determines that the notice of an impending boundary action
231 does not meet the requirements of Subsection (3); or
232 (B) the notice of an impending boundary action is:
233 (I) not accompanied by an approved final local entity plat; or
234 (II) accompanied by a plat or final local entity plat that has not been certified as a final
235 local entity plat by the county surveyor under Section 17-23-20; and
236 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
237 unable to issue the applicable certificate.
238 (3) Each notice of an impending boundary action shall:
239 (a) be directed to the lieutenant governor;
240 (b) contain the name of the local entity or, in the case of an incorporation or creation,
241 future local entity, whose boundary is affected or established by the boundary action;
242 (c) describe the type of boundary action for which an applicable certificate is sought;

243 and

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

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

248 (4) The lieutenant governor may require the approving authority to submit ~~[a paper or
249 electronic copy of]~~ a notice of an impending boundary action and approved final local entity
250 plat ~~[in conjunction with the filing of the original of those documents.]~~ in:

251 (a) a paper format;

252 (b) an electronic format; or

253 (c) a combination of a paper or electronic format.

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

255 (i) keep, index, maintain, and make available to the public each notice of an impending
256 boundary action, approved final local entity plat, applicable certificate, and other document that
257 the lieutenant governor receives or generates under this section;

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

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

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

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

266 (6) (a) The center is the repository for geographic information system data regarding
267 the boundary of a political subdivision.

268 (b) The center shall update the State Geographic Information Database with:

269 (i) a boundary action under this section; and

270 (ii) a boundary correction under Section 10-2-801.

271 (c) A political subdivision boundary contained in the State Geographic Information
272 Database is the official boundary of the political subdivision for administrative purposes,
273 including purposes listed in Subsection 63F-1-507(3).

S.B. 199 2nd Sub. (Salmon) - Municipal Boundary Clarification

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
