

SB0264S01 compared with SB0264

~~{deleted text}~~ shows text that was in SB0264 but was deleted in SB0264S01.

inserted text shows text that was not in SB0264 but was inserted into SB0264S01.

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Senator Ralph Okerlund proposes the following substitute bill:

SURVEY MONUMENTS REPLACEMENT

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: _____

LONG TITLE

General Description:

This bill establishes and amends provisions relating to a state survey monument.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{modifies and establishes}~~clarifies reporting requirements for the protection of a survey monument;
- ▶ creates the Monument Replacement and Restoration Committee and provides for the committee's membership;
- ▶ directs the committee to administer a grant program for counties to protect and rehabilitate survey monuments;
- ▶ establishes reporting requirements; and

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- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016: ~~{ }~~

- ▶ to the Automated Graphic Reference Center, as a one-time, non-lapsing appropriation: ~~{ }~~
 - from the General Fund, one-time, \$1,000,000 with intent language that the funds be used by the Monument Replacement and Restoration Committee to administer a grant program.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

17-23-14, as last amended by Laws of Utah 2001, Chapter 241

ENACTS:

63F-1-510, Utah Code Annotated 1953

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

Section 1. Section **17-23-14** is amended to read:

17-23-14. Disturbed corners -- County surveyor to be notified.

(1) As used in this section:

(a) "Corner" means the same as that term is defined in Section 17-23-17.5.

(b) "Monument" means the same as that term is defined in Section 17-23-17.5.

~~{ (c) "State entity" means an agency, department, division, or any other entity of the state.~~

~~{~~ [(1) ~~Any~~] (2) A person who finds it necessary to disturb any established corner in the improvement of a road, or for any other cause, or finds a monument [which] that needs rehabilitation, shall notify the county surveyor ~~{ . }~~

~~_____ (a) at least five business days before the day on which the person plans to disturb the corner, or~~

~~_____ (b) within five business days after the day on which the monument was found to need rehabilitation.~~

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~~[(2)]~~ (3) The county surveyor or the county surveyor's designee shall:

(a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the corner by lowering and witnessing the corner or placing another monument and witness over the existing monument so that the monument:

(i) is left in a physical condition to remain as permanent a monument as is reasonably possible; and

(ii) may be reasonably located at all times in the future; and

(b) file the record of each reconstruction or rehabilitation under Subsection ~~[(2)]~~ (3)(a).

~~{~~ ~~(4) Before a state entity begins a project or takes an action that may disturb a corner or a monument, the state entity shall, at least 30 days before the day on which the state entity commences the project or takes the action:~~

~~—— (a) establish a clearly identifiable area that the project or action will affect;~~

~~—— (b) identify any corner or monument within the area;~~

~~—— (c) establish a plan to avoid the disturbance or destruction of a monument or corner identified under Subsection (4)(b); and~~

~~—— (d) provide written notification of the information described in Subsections (4)(a) through (c) to:~~

~~—— (i) the Automated Geographic Reference Center; and~~

~~—— (ii) the county surveyor of each county in which a corner or monument identified under Subsection (4)(b) exists.~~

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Section 2. Section **63F-1-510** is enacted to read:

63F-1-510. Monument Replacement and Restoration Committee.

(1) As used in this section:

(a) "Committee" means the Monument Replacement and Restoration Committee created in this section.

(b) "Corner" means the same as that term is defined in Section 17-23-17.5.

(c) "Monument" means the same as that term is defined in Section 17-23-17.5.

(2) (a) There is created the Monument Replacement and Restoration Committee composed of the following seven members:

(i) five members appointed by an organization or association that represents Utah

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counties:

(A) that have knowledge and understanding of the Public Land Survey System; and

(B) who each represents a different county; and

(ii) two members, appointed by the center, who have a knowledge and understanding of the Public Land Survey System.

(b) (i) Except as provided in Subsection (2)(b)(ii), a member appointed to the committee is appointed for a four-year term.

(ii) The director of the center shall, at the time an entity appoints or reappoints an individual to serve on the committee, adjust the length of the appointed individual's term, as necessary, to ensure that the terms of committee members are staggered so that approximately half of the committee members are appointed every two years.

(iii) When a vacancy occurs on the committee for any reason, the replacement appointee shall serve on the committee for the unexpired term.

(c) The committee shall elect one committee member to serve as chair of the committee for a term of two years.

(d) A majority of the committee constitutes a quorum, and the action of a majority of a quorum constitutes the action of the committee.

(e) (i) The center shall provide staff support to the committee.

(ii) An individual who is a member of the committee may not serve as staff to the committee.

(f) A member of the committee may not receive compensation for the member's service on the committee.

(g) The committee may adopt bylaws to govern the committee's operation.

(3) (a) The committee shall administer a grant program to assist counties in maintaining and protecting corners or monuments.

(b) A county wishing to receive a grant under the program described in Subsection (3)(a) shall submit to the committee an application that:

(i) identifies one or more monuments in the county that are in need of protection or rehabilitation;

(ii) establishes a plan that is consistent with federal law or rule to protect or rehabilitate each monument identified under Subsection (3)(b)(i); and

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(iii) requests a specific amount of funding to complete the plan established under Subsection (3)(b)(ii).

(c) The committee shall:

(i) adopt criteria to:

(A) evaluate whether a monument identified by a county under Subsection (3)(b)(i) needs protection or rehabilitation; and

(B) identify which monuments identified by a county under Subsection (3)(b)(i) have the greatest need of protection or rehabilitation;

(ii) evaluate each application submitted by a county under Subsection (3)(b) using the criteria adopted by the committee under Subsection (3)(c)(i);

(iii) subject to sufficient funding and Subsection (3)(d), award grants to counties whose applications are most favorably evaluated under Subsection (3)(c)(ii); and

(iv) establish a date by which a county awarded a grant under Subsection (3)(c)(iii) shall report back to the committee.

(d) The committee may not award a grant to a county under this section in an amount greater than \$100,000.

(4) A county that is awarded a grant under this section shall:

(a) document the work performed by the county, pursuant to the plan established by the county under Subsection (3)(b)(ii), to protect or rehabilitate a monument; and

(b) before the date established under Subsection (3)(c)(iv), report to the committee on the work performed by the county.

(5) (a) If the committee has not expended all of the funds appropriated to the committee by the Legislature for the fulfillment of the committee's duties under this section before December 31, 2016, the committee shall disburse any remaining funds equally among all counties that have established a dedicated monument preservation fund by ordinance as provided in Section 17-23-19.

(b) A county to which the center has disbursed funds under Subsection (5)(a) shall:

(i) deposit the funds into the county's monument preservation fund; and

(ii) expend the funds, in consultation with the committee, for the maintenance and preservation of monuments in the county.

Section 3. Appropriation.

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Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2016.

To the Automated Graphic Reference Center

From General Fund, One-time \$1,000,000

Schedule of Programs:

Monument Replacement and Restoration

Committee \$1,000,000

The Legislature intends that the funds appropriated under this section:

(1) be used by the Monument Replacement and Restoration Committee to administer the grant program described in Section 63F-1-510; and

(2) not lapse at the close of fiscal year 2016.

Section 4. **Effective date.**

(1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

(2) Uncodified Section 3, Appropriation, takes effect on July 1, 2015.

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Legislative Review Note

~~as of 2-21-15 8:17 AM~~

~~Office of Legislative Research and General Counsel~~