

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17-23-14**, as last amended by Laws of Utah 2001, Chapter 241

33 ENACTS:

34 **63F-1-510**, Utah Code Annotated 195336 *Be it enacted by the Legislature of the state of Utah:*37 Section 1. Section **17-23-14** is amended to read:38 **17-23-14. Disturbed corners -- County surveyor to be notified.**39 (1) As used in this section:40 (a) "Corner" means the same as that term is defined in Section [17-23-17.5](#).40a Ŝ→ (b) "Executing entity" means an entity whose services a state entity has procured to
40b execute a project or take an action. ←Ŝ41 Ŝ→ ~~(b)~~ (c) ←Ŝ "Monument" means the same as that term is defined in Section [17-23-17.5](#).42 Ŝ→ ~~(c)~~ (d) ←Ŝ "State entity" means an agency, department, division, or any other entity of42a the43 state.44 ~~(1) Any~~ (2) A person who finds it necessary to disturb any established corner in the
45 improvement of a road, or for any other cause, or finds a monument ~~[which]~~ that needs
46 rehabilitation, shall notify the county surveyor[-]:47 (a) at least five business days before the day on which the person plans to disturb the
48 corner; or49 (b) within five business days after the day on which the monument was found to need
50 rehabilitation.51 ~~(2)~~ (3) The county surveyor or the county surveyor's designee shall:52 (a) reconstruct or rehabilitate the monument for the corner by lowering and witnessing
53 the corner or placing another monument and witness over the existing monument so that the
54 monument:55 (i) is left in a physical condition to remain as permanent a monument as is reasonably
56 possible; and

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

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

59 (4) ~~§~~→ ~~[Before]~~ Except as provided in Subsection (5), before ←~~§~~ a state entity begins a
59a project or takes an action that may disturb a corner or
60 a monument, the state entity shall, at least 30 days before the day on which the state entity
61 commences the project or takes the action:

62 (a) establish a clearly identifiable area that the project or action will affect;
63 (b) identify any corner or monument within the area;
64 (c) establish a plan to avoid the disturbance or destruction of a monument or corner
65 identified under Subsection (4)(b); and

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

68 (i) the Automated Geographic Reference Center; and
69 (ii) the county surveyor of each county in which a corner or monument identified under
70 Subsection (4)(b) exists.

70a ~~§~~→ **(5)(a) A state entity that procures an executing entity to execute a project or take an action**
70b **that may disturb a corner or monument is not required to comply with Subsection (4) as it**
70c **relates to the project or action.**

70d **(b) An executing entity that a state entity procures to execute a project or take an action**
70e **that may disturb a corner or monument shall comply with the requirements of Subsection (4)**
70f **as it relates to the project or action.** ←~~§~~

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

72 **63F-1-510. Monument Replacement and Restoration Committee.**

73 (1) As used in this section:

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

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

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

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

80 (i) five members appointed by an organization or association that represents Utah
81 counties:

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

83 (B) who each represents a different county; and

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

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

88 (ii) The director of the center shall, at the time an entity appoints or reappoints an
89 individual to serve on the committee, adjust the length of the appointed individual's term, as

90 necessary, to ensure that the terms of committee members are staggered so that approximately
91 half of the committee members are appointed every two years.

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

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

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

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

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

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

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

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

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

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

110 (ii) establishes a plan to protect or rehabilitate each monument identified under
111 Subsection (3)(b)(i); and

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

114 (c) The committee shall:

115 (i) adopt criteria to:

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

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

120 (ii) evaluate each application submitted by a county under Subsection (3)(b) using the

121 criteria adopted by the committee under Subsection (3)(c)(i);
 122 (iii) subject to sufficient funding and Subsection (3)(d), award grants to counties whose
 123 applications are most favorably evaluated under Subsection (3)(c)(ii); and
 124 (iv) establish a date by which a county awarded a grant under Subsection (3)(c)(iii)
 125 shall report back to the committee.

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

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

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

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

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

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

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

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

142 **Section 3. Appropriation.**

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

148 To the Automated Graphic Reference Center

149 From General Fund, One-time

\$1,000,000

150 Schedule of Programs:

151 Monument Replacement and Restoration

