

Senator Ralph Okerlund proposes the following substitute bill:

SURVEY MONUMENTS REPLACEMENT

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ 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
- ▶ 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



26 administer a grant program.

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **17-23-14**, as last amended by Laws of Utah 2001, Chapter 241

32 ENACTS:

33 **63F-1-510**, Utah Code Annotated 1953



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

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

37 **17-23-14. Disturbed corners -- County surveyor to be notified.**

38 (1) As used in this section:

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

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

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

44 ~~[(2)]~~ (3) The county surveyor or the county surveyor's designee shall:

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

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

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

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

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

53 **63F-1-510. Monument Replacement and Restoration Committee.**

54 (1) As used in this section:

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

- 57 (b) "Corner" means the same as that term is defined in Section 17-23-17.5.
- 58 (c) "Monument" means the same as that term is defined in Section 17-23-17.5.
- 59 (2) (a) There is created the Monument Replacement and Restoration Committee
60 composed of the following seven members:
- 61 (i) five members appointed by an organization or association that represents Utah
62 counties:
- 63 (A) that have knowledge and understanding of the Public Land Survey System; and
64 (B) who each represents a different county; and
- 65 (ii) two members, appointed by the center, who have a knowledge and understanding
66 of the Public Land Survey System.
- 67 (b) (i) Except as provided in Subsection (2)(b)(ii), a member appointed to the
68 committee is appointed for a four-year term.
- 69 (ii) The director of the center shall, at the time an entity appoints or reappoints an
70 individual to serve on the committee, adjust the length of the appointed individual's term, as
71 necessary, to ensure that the terms of committee members are staggered so that approximately
72 half of the committee members are appointed every two years.
- 73 (iii) When a vacancy occurs on the committee for any reason, the replacement
74 appointee shall serve on the committee for the unexpired term.
- 75 (c) The committee shall elect one committee member to serve as chair of the
76 committee for a term of two years.
- 77 (d) A majority of the committee constitutes a quorum, and the action of a majority of a
78 quorum constitutes the action of the committee.
- 79 (e) (i) The center shall provide staff support to the committee.
- 80 (ii) An individual who is a member of the committee may not serve as staff to the
81 committee.
- 82 (f) A member of the committee may not receive compensation for the member's service
83 on the committee.
- 84 (g) The committee may adopt bylaws to govern the committee's operation.
- 85 (3) (a) The committee shall administer a grant program to assist counties in
86 maintaining and protecting corners or monuments.
- 87 (b) A county wishing to receive a grant under the program described in Subsection

88 (3)(a) shall submit to the committee an application that:

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

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

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

95 (c) The committee shall:

96 (i) adopt criteria to:

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

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

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

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

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

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

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

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

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

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

119 (b) A county to which the center has disbursed funds under Subsection (5)(a) shall:
 120 (i) deposit the funds into the county's monument preservation fund; and
 121 (ii) expend the funds, in consultation with the committee, for the maintenance and
 122 preservation of monuments in the county.

123 Section 3. **Appropriation.**

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

129 To the Automated Graphic Reference Center

130 From General Fund, One-time

\$1,000,000

131 Schedule of Programs:

132 Monument Replacement and Restoration

133 Committee

\$1,000,000

134 The Legislature intends that the funds appropriated under this section:

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

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

138 Section 4. **Effective date.**

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

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