

SURVEY MONUMENT REPLACEMENT

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to state survey monuments.

Highlighted Provisions:

This bill:

- ▶ addresses the timing for certain notices to the county surveyor; ~~§~~ **→ and**
~~[→ requires the Monument Replacement and Restoration Committee to execute a~~
~~memorandum of understanding with the Department of Agriculture and Food and~~
~~the Department of Natural Resources regarding monument preservation; and] ←~~ **§**

- ▶ modifies the date on which any unused funds appropriated to the Monument Replacement and Restoration Committee shall be distributed to certain counties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-23-14, as last amended by Laws of Utah 2015, Chapter 373

63F-1-510, as enacted by Laws of Utah 2015, Chapter 373

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



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

29 **17-23-14. Disturbed corners -- County surveyor to be notified -- Coordination**
 30 **with certain state agencies.**

31 (1) As used in this section:

32 (a) "Committee" means the Monument Replacement and Restoration Committee
 33 created in Section 63F-1-510.

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

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

36 (2) A person who finds it necessary to disturb any established corner ~~[in]~~ for any
 37 reason, including the improvement of a road, ~~[or for any other cause, or]~~ shall notify the county
 38 surveyor at least five business days before the day on which the person disturbs the corner.

39 (3) A person who finds a monument that needs rehabilitation~~;~~ shall notify the county
 40 surveyor within five business days after the day on which the person finds the monument.

41 ~~[(3)]~~ (4) The county surveyor or the county surveyor's designee shall:

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

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

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

48 (b) file the record of each reconstruction or rehabilitation under Subsection ~~[(3)]~~ (4)(a).

49 **~~§→ [(5)(a) The following entities shall execute a memorandum of understanding that meets~~**
 50 **~~the requirements described in Subsection (5)(b):~~**

51 ~~—— (i) the Department of Agriculture and Food, created in Section 4-2-1, and the~~
 52 ~~committee; and~~

53 ~~—— (ii) the Department of Natural Resources, created in Section 79-2-201, and the~~
 54 ~~committee;~~

55 ~~—— (b) A memorandum of understanding described in Subsection (5)(a) shall:~~

56 ~~—— (i) include a requirement that the Department of Agriculture and Food or the~~
 57 ~~Department of Natural Resources give notice to the committee before beginning work that may~~
 58 ~~disturb a monument; and *~~

59 ~~—— (ii) address:~~
 60 ~~—— (A) the timing and form of a notice described in Subsection (5)(b)(i):~~
 61 ~~—— (B) how the parties will coordinate efforts to protect existing monuments when the~~
 62 ~~Department of Agriculture and Food or the Department of Natural Resources performs work~~
 63 ~~that may disturb a monument; and~~
 64 ~~—— (C) the committee's responsibility to communicate with the appropriate county when~~
 65 ~~the committee receives a notice described in Subsection (5)(b)(i).] ←§~~

66 Section 2. Section 63F-1-510 is amended to read:

67 **63F-1-510. Monument Replacement and Restoration Committee.**

68 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

89 (c) The committee shall elect one committee member to serve as chair of the