

SURVEY MONUMENT REPLACEMENT

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: John R. Westwood

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;
- ▶ 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

90 committee for a term of two years.

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

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

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

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

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

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

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

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

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

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

109 (c) The committee shall:

110 (i) adopt criteria to:

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

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

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

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

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

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

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

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

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

128 (5) (a) If the committee has not expended all of the funds appropriated to the
129 committee by the Legislature for the fulfillment of the committee's duties under this section
130 before December 31, [~~2016~~] 2017, the committee shall disburse any remaining funds equally
131 among all counties that have established a dedicated monument preservation fund by ordinance
132 as provided in Section [17-23-19](#).

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

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

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

Legislative Review Note
Office of Legislative Research and General Counsel