

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0622.01 Gregg Fraser x4325

HOUSE BILL 17-1017

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

Baumgardner and Jahn,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING COUNTY SURVEYORS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies the specific duties of a county surveyor and provides that certain services may be provided at the surveyor's discretion and when compensated by agreement between the surveyor and the board of county commissioners. The board of county commissioners may elect to have some of the discretionary services contracted out to a private surveyor or have other county departments perform the services.

If the office of the county surveyor is vacant, current law requires the board of county commissioners to fill the vacancy within 90 days. The

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
February 17, 2017

HOUSE
3rd Reading Unamended
January 31, 2017

HOUSE
2nd Reading Unamended
January 30, 2017

bill extends this period to 6 months.

The bill modifies the process used to fix and define an indefinite boundary line between 2 counties.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 30-10-903, **amend**
3 (1)(a), (2) introductory portion, (2)(e), and (2)(f); and **add** (2)(g) and (3)
4 as follows:

5 **30-10-903. Duties and powers of the county surveyor.** (1) The
6 duties of the county surveyor are:

7 (a) To represent the county in boundary disputes BETWEEN
8 ADJOINING COUNTIES pursuant to ~~sections~~ SECTION 30-6-110, and IN
9 SECTION OR QUARTER CORNER DISPUTES PURSUANT TO SECTION
10 30-10-906, AND TO LOCATE LOST, DESTROYED, OR DISPUTED CORNERS
11 AND BOUNDARIES PURSUANT TO SECTION 38-44-104;

12 (2) The county surveyor may, when authorized by the board of
13 county commissioners, AND WHEN FINANCIALLY COMPENSATED BY
14 AGREEMENT BETWEEN THE SURVEYOR AND THE BOARD OF COUNTY
15 COMMISSIONERS:

16 (e) Conduct or supervise construction surveys necessary to the
17 county; **and**

18 (f) Provide reference monuments for or the remonumentation or
19 monument upgrades of public land survey system monuments that are
20 destroyed by county construction or other functions; AND

21 (g) PROVIDE OTHER SERVICES REQUIRING THE EXPERTISE OF A
22 PROFESSIONAL LAND SURVEYOR AS AGREED UPON BY THE COUNTY
23 SURVEYOR AND THE COUNTY BOARD OF COMMISSIONERS.

24 (3) THE COUNTY COMMISSIONERS MAY ELECT TO HAVE ANY

1 SERVICE SPECIFIED IN SUBSECTION (2) OF THIS SECTION CONTRACTED OUT
2 TO A QUALIFIED PRIVATE PROFESSIONAL SURVEYOR OR SURVEY FIRM, OR
3 HAVE ANOTHER DEPARTMENT IN THE COUNTY THAT EMPLOYS COLORADO
4 LICENSED SURVEYORS PERFORM THE WORK.

5 **SECTION 2.** In Colorado Revised Statutes, **amend** 30-10-904 as
6 follows:

7 **30-10-904. Vacancy - how filled.** If the office of county surveyor
8 is at any time vacant, the board of county commissioners shall, ~~no later~~
9 ~~than ninety days~~ WITHIN SIX MONTHS after the vacancy occurs, appoint
10 some suitable and qualified person, who need not be a resident of the
11 county, to fill the position of surveyor until the next general election.

12 **SECTION 3.** In Colorado Revised Statutes, 30-10-905, **amend**
13 (1) as follows:

14 **30-10-905. Remuneration - expenses.** (1) In counties of every
15 class, the board of county commissioners may provide for additional
16 compensation BY AGREEMENT BETWEEN THE COUNTY SURVEYOR AND THE
17 BOARD OF COUNTY COMMISSIONERS to be paid to the county surveyor who
18 performs services for the county in addition to the duties specified in
19 section 30-10-903, which compensation shall be paid out of the county
20 treasury.

21 **SECTION 4.** In Colorado Revised Statutes, **amend** 30-6-110 as
22 follows:

23 **30-6-110. Boundaries - survey - action to settle.** When the
24 boundary lines of any county in this state are so indefinite that a portion
25 of territory, by reason of such indefinite description, is claimed by two
26 counties, and such fact appears by petition of the board of county
27 commissioners of either county to the state engineer, it is the duty of such

1 state engineer, in connection with the county surveyor of each of such
2 counties, to run out and establish such lines as nearly as may be in
3 accordance with such defective description, fix and define such boundary
4 line by ~~plain and substantial mounds, marks, and unmistakable natural~~
5 monuments IN ACCORDANCE WITH RULES ISSUED BY THE STATE BOARD OF
6 LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND
7 PROFESSIONAL LAND SURVEYORS, and to furnish the board of county
8 commissioners of each of said counties with a description of such line as
9 soon thereafter as may be practical, DEPOSIT SUCH SURVEY AS A LAND
10 SURVEY PLAT IN EACH COUNTY, AND FILE A COLORADO LAND SURVEY
11 MONUMENT RECORD ON EACH MONUMENT FOUND OR SET, AS SPECIFIED IN
12 SECTION 38-53-104. When such line is established it shall be the boundary
13 line between said counties, unless one of said counties, within six months
14 from the day of filing the description of said line by the state engineer
15 with the board of county commissioners of such county, commences an
16 action in a court of competent jurisdiction in this state to determine and
17 settle such disputed line, and prosecute the same with due diligence until
18 its final determination, or has settled such disputed line, within said six
19 months, by arbitration. ~~as is provided by this article and rule 109,~~
20 ~~C.R.C.P.~~ If the county surveyor of either of such counties shall not appear
21 or assist the state engineer in making such survey after due notice so to
22 do, it shall in no manner affect or invalidate such survey, or the boundary
23 lines as they may be fixed by such state engineer.

24 **SECTION 5. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.