

CHAPTER 15

GOVERNMENT - COUNTY

HOUSE BILL 17-1017

BY REPRESENTATIVE(S) Kennedy, Becker K., Exum, Ginal, Hamner, Hooton, Kraft-Tharp, Lee, Lontine, Lundeen, Mitsch Bush, Valdez, Weissman, Young, Duran, Garnett, Gray;
also SENATOR(S) Baumgardner and Jahn, Cooke, Gardner, Jones, Kagan, Kerr, Marble.

AN ACT**CONCERNING COUNTY SURVEYORS.**

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

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

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

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

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

(e) Conduct or supervise construction surveys necessary to the county; ~~and~~

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

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

30-6-110. Boundaries - survey - action to settle. When the boundary lines of any county in this state are so indefinite that a portion of territory, by reason of such indefinite description, is claimed by two counties, and such fact appears by petition of the board of county commissioners of either county to the state engineer, it is the duty of such state engineer, in connection with the county surveyor of each of such counties, to run out and establish such lines as nearly as may be in accordance with such defective description, fix and define such boundary line by ~~plain and substantial mounds, marks, and unmistakable natural~~ monuments IN ACCORDANCE WITH RULES ISSUED BY THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS, and to furnish the board of county commissioners of each of said counties with a description of such line as soon thereafter as may be practical, DEPOSIT SUCH SURVEY AS A LAND SURVEY PLAT IN EACH COUNTY, AND FILE A COLORADO LAND SURVEY MONUMENT RECORD ON EACH MONUMENT FOUND OR SET, AS SPECIFIED IN SECTION 38-53-104. When such line is established it shall be the boundary line between said counties, unless one of said counties, within six months from the day of filing the description of said line by the state engineer with the board of county commissioners of such county, commences an action in a court of competent jurisdiction in this state to determine and settle such disputed line, and prosecute the same with due diligence until its final determination, or has settled such disputed line, within said six months, by arbitration. ~~as is provided by this article and rule 109, C.R.C.P.~~ If the county surveyor of either of such counties shall not appear or assist the state engineer in making such survey after due notice so to do, it shall in no manner affect or invalidate such survey, or the boundary lines as they may be fixed by such state engineer.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 8, 2017