

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

**REREVISED**

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

LLS NO. 17-0622.01 Gregg Fraser x4325

**HOUSE BILL 17-1017**

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**HOUSE SPONSORSHIP**

**Kennedy,**

**SENATE SPONSORSHIP**

**Baumgardner and Jahn,**

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**House Committees**  
Local Government

**Senate Committees**  
Local Government

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**A BILL FOR AN ACT**

101 **CONCERNING COUNTY SURVEYORS.**

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**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  
3rd Reading Unamended  
February 21, 2017

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.

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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.