NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 06-1183

BY REPRESENTATIVE(S) Berens, Butcher, Kerr, Massey, and McFadyen;
also SENATOR(S) Tapia.

CONCERNING LAND SURVEYORS.

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

SECTION 1. 38-53-104 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

38-53-104. Filing of monument record required. (1) (a) If a professional land surveyor conducts a survey ~~which~~ THAT uses any MONUMENT REPRESENTING A public land survey monument LOCATION, QUARTER SECTION CORNER, SIXTEENTH SECTION CORNER, GOVERNMENT LAND OFFICE OR BUREAU OF LAND MANAGEMENT (GOVERNMENT) LOT CORNER AS DEFINED BY THE NOMENCLATURE OF THE UNITED STATES PUBLIC LAND SURVEY SYSTEM, or any United States geological survey or United States coast and geodetic survey (also known as the national ocean service/national geodetic survey) monument as a control corner, such professional land surveyor shall file a monument record describing such monument with the board if the monument and its accessories are not substantially described in an existing monument record previously filed

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

pursuant to this section or its predecessor.

(b) If a professional land surveyor establishes, restores, or rehabilitates any public land survey monument CORNER LOCATION or section corner, quarter section corner, or sixteenth section corner as defined by the nomenclature of the United States public land survey system, such professional land surveyor shall file a monument record.

SECTION 2. 38-51-106 (1) (f), Colorado Revised Statutes, is amended to read:

38-51-106. Land survey plats. (1) All land survey plats shall include but shall not be limited to the following:

(f) A description of all monuments, both found and set, that mark the boundaries of the property and of all control monuments used in conducting the survey. If any such boundary monument or control monument ~~is a public land survey monument or aliquot corner, the professional land surveyor shall describe the physical evidence used to establish or restore the monument.~~ MARKS THE LOCATION OF A LOST OR OBLITERATED PUBLIC LAND SURVEY MONUMENT THAT WAS RESTORED AS A PART OF THE SURVEY ON WHICH THE PLAT IS BASED, THE PROFESSIONAL LAND SURVEYOR SHALL BRIEFLY DESCRIBE THE EVIDENCE AND THE PROCEDURE USED FOR SUCH RESTORATION. IF ANY SUCH BOUNDARY MONUMENT OR CONTROL MONUMENT MARKS THE LOCATION OF A QUARTER SECTION CORNER OR SIXTEENTH SECTION CORNER THAT WAS ESTABLISHED AS A PART OF THE SURVEY, THE PROFESSIONAL LAND SURVEYOR SHALL BRIEFLY DESCRIBE THE EVIDENCE AND PROCEDURE USED FOR SUCH ESTABLISHMENT, UNLESS THE CORNER LOCATION WAS ESTABLISHED BY THE MATHEMATICAL PROCEDURE AS OUTLINED IN SECTION 38-51-103.

SECTION 3. 13-80-105 (3) (b), Colorado Revised Statutes, is amended to read:

13-80-105. Limitation of actions against land surveyors. (3) (b) If any survey is performed ~~which~~ THAT does not require documentation, the limitations set forth in subsections (1) and (2) of this section shall nevertheless apply if, not ~~less~~ MORE than ninety days after the completion of the survey, written notice of the provisions of this article is provided to all persons holding an interest in the property upon which such

survey is conducted.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or

part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Andrew Romanoff SPEAKER OF THE HOUSE OF REPRESENTATIVES	Joan Fitz-Gerald PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Karen Goldman SECRETARY OF THE SENATE

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO