

**CHANGES TO COUNTY SURVEYOR**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin T. VanTassell**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to county surveyors.

**Highlighted Provisions:**

This bill:

► requires a person elected to fill consolidated offices to meet the professional licensing, certification, or training requirements of each of the consolidated offices;

and

► eliminates an exception to the requirement that each county surveyor be a licensed professional land surveyor.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**17-16-4**, Utah Code Annotated 1953

**17-23-1**, as last amended by Laws of Utah 2001, Chapter 241

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17-16-4** is amended to read:



28 **17-16-4. Election of officer to consolidated office.**

29 [~~When~~] If offices are [~~united and~~] consolidated [~~but~~] under Section 17-16-3:

30 (1) one person shall be elected to fill the offices [~~so united and~~] that have been  
31 consolidated[~~;~~]; and [~~he must~~]

32 (2) the person elected to fill the consolidated offices shall take the oath and give the  
33 bond required for, meet the professional licensing, certification, or training requirements of,  
34 and discharge all the duties pertaining to, each of the offices that have been consolidated.

35 Section 2. Section **17-23-1** is amended to read:

36 **17-23-1. County surveyor to be elected -- Requirement to be licensed land**  
37 **surveyor -- Authority to contract with licensed land surveyor if no elected county**  
38 **surveyor -- County surveyor duties.**

39 (1) (a) (i) The office of the county surveyor in each county shall be filled by election  
40 [~~and, except as provided in Subsection (1)(b), the~~].

41 (ii) The county surveyor of each county shall be a licensed professional land surveyor  
42 in the state.

43 [~~(b) In a county where the office of county surveyor is consolidated with another~~  
44 ~~elected office, all county surveying work shall be performed by a licensed professional land~~  
45 ~~surveyor.~~]

46 [(~~e~~)] (b) In a county where there is no elected county surveyor:

47 (i) the county executive or legislative body may, consistent with Section 17-53-313,  
48 contract with a licensed professional land surveyor to perform those duties;

49 (ii) all county survey work shall be done by a licensed land surveyor;

50 (iii) the county recorder shall assume and perform all statutory functions and duties of  
51 the county surveyor related to the retention and maintenance of survey records;

52 (iv) the recorder's office shall act as the county surveyor's office only for the purpose of  
53 accepting, retaining, and managing county survey records;

54 (v) the county shall furnish sufficient office space, furniture, stationery, and record  
55 books necessary for the county recorder's office to fulfill its functions and duties under  
56 Subsection (1)[(~~e~~)] (b)(iv); and

57 (vi) for purposes of this chapter, "county surveyor" means:

58 (A) for purposes of the retention and management of county survey records, the county

59 recorder; and

60 (B) except as provided in Subsection (1)[(c)] (b)(vi)(A), the licensed land surveyor  
61 under contract with the county to perform county surveyor duties.

62 (2) The county surveyor shall execute:

63 (a) all orders directed to the surveyor by any court; and

64 (b) all orders of survey required by the county executive or county legislative body.

65 (3) (a) The surveyor of each county shall:

66 (i) advise the county executive and county legislative body regarding all surveying  
67 work;

68 (ii) perform or arrange for the performance of all surveying work for the county;

69 (iii) permanently keep at county government offices at the county seat a fair and  
70 accurate record of all surveys made, including legal descriptions and geographic coordinates,  
71 all surveys received pursuant to Section 17-23-17, and all corner files received pursuant to  
72 Section 17-23-17.5;

73 (iv) number progressively all surveys received and state by whom and for whom the  
74 surveys were made;

75 (v) deliver a copy of any survey to any person or court requiring the survey after the  
76 payment of the fee established by the county legislative body;

77 (vi) ensure that all surveys of legal subdivisions of sections are made according to the  
78 United States Manual of Surveying Instructions in effect at the time the survey is completed;

79 (vii) verify the correctness of or establish correct coordinates for all survey reference  
80 monuments set in place and shown on all subdivision maps and plats which have a spatial  
81 relationship with any section or quarter section corner; and

82 (viii) perform other duties required by law.

83 (b) In arranging for the performance of surveying work for the county under Subsection  
84 (3)(a)(ii), a surveyor may comply with Section 17-53-313.

85 (4) (a) The county surveyor or his designee shall establish all corners of government  
86 surveys and reestablish all corners of government surveys where corners have been destroyed  
87 and where witness markers or other evidences of the government corners remain so that the  
88 corners established by government survey can be positively located.

89 (b) The corners shall be reestablished in the manner provided in Section 17-23-13 for

90 establishing corners.

91 (c) The county surveyor shall keep a separate record of the established and  
92 reestablished corners of government surveys, giving the date and names of persons present and  
93 shall provide those records to his successor when he vacates his office.

94 (d) Established or reestablished corners shall be recognized as the legal and permanent  
95 corners.

96 (5) The county executive or legislative body may direct the county surveyor or his staff  
97 to perform engineering and architectural work if the county surveyor or his staff is qualified  
98 and licensed to perform that work.

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**Legislative Review Note**  
**as of 11-29-07 1:00 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 129 - Changes to County Surveyor**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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