

SENATE BILL REPORT

SSB 5170

As Passed Senate, February 12, 2025

Title: An act relating to boundary line surveys on public lands owned or managed by the department of natural resources.

Brief Description: Concerning boundary line surveys on public lands owned or managed by the department of natural resources.

Sponsors: Senate Committee on Agriculture & Natural Resources (originally sponsored by Senators Short, Chapman and Dozier).

Brief History:

Committee Activity: Agriculture & Natural Resources: 1/16/25, 1/30/25 [DPS].

Floor Activity: Passed Senate: 2/12/25, 49-0.

Brief Summary of First Substitute Bill

- Establishes notice and comment requirements for the Department of Natural Resources (DNR) when conducting land surveys.
- Requires DNR to comply with notice and comment requirements before they may bring suit to resolve a boundary determination.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass.

Signed by Senators Chapman, Chair; Krishnadasan, Vice Chair; Short, Ranking Member; Liias, Muzzall, Saldaña, Schoesler, Shewmake and Wagoner.

Staff: Elena Becker (786-7493)

Background: Department of Natural Resources Survey Authority. State law designates the

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Department of Natural Resources (DNR) as the official agency for surveys and maps. Within DNR, the Public Land Survey Office collects, preserves, and indexes land survey records, and issues permits for removing survey monuments.

When a survey establishes, reestablishes, or restores a boundary corner, the land surveyor must file a report with the county auditor within 90 days. This report must disclose the establishment of property corners that did not previously exist or that materially vary from the existing record, evidence that reasonable analysis might produce a different result, or the reestablishment of lost government land office corners.

Resolving Boundary Disputes. When boundary points or lines are in dispute or cannot be determined from existing landmarks or public record, state law provides for two approaches to determine and fix the boundary:

- if the affected landowners unanimously agree to a description and marking of a boundary point or line, they file the new, agreed-upon boundary with the appropriate authority, whereupon it becomes binding; or
- if the affected landowners are unable to unanimously agree to a boundary, any one of them may bring suit for determination.

Summary of First Substitute Bill: Prior to conducting a land survey with the intent of establishing land boundaries, DNR is directed to:

- notify in writing any affected landowner within 30 days; and
- provide an opportunity for review and comment. This opportunity must allow for the presentation of historical evidence about the location of the boundary, and involvement regarding the proposed location of the section corner, boundary marker, and potential boundary line adjustments.

Prior to conducting a survey, DNR is directed to:

- notify in writing any adjoining landowner; and
- provide an opportunity for review, comment, and provision of evidence regarding historical boundaries.

These requirements do not apply to surveys of aquatic lands.

Deeds of record may be used to resolve a boundary dispute. DNR is directed to comply with the requirements of this act before DNR may bring suit to determine a disputed boundary.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The process for drawing boundaries is confusing, especially when multiple landowners are impacted. This issue has direct and indirect impacts and it is important to make sure that landowners can have input early and often. Some land owners have owned their property for a long time with no change to the deed, but still had their boundary lines redrawn after surveys.

Resolving boundary disputes is expensive. Even when everyone agrees it still costs money to file the agreement. Historical information is often ignored when surveys are done. Other states have more precise and complete survey records. Good communication early and often could resolve many of these issues.

Boundary line adjustments usually affect a number of parcels and affected landowners should have plenty of time to share their perspective with DNR and the surveyor for DNR. County assessors and the public works department should be included in those communications.

OTHER: This is a complex issue and clarity is important. DNR is responsible for the public lands survey office, which is the repository for surveys and records. The public lands survey office issues permits if an entity needs to temporarily remove a monument and, in collaboration with the survey advisory board, promulgates rules on how land surveys are conducted but they do not conduct surveys.

When DNR does land surveys on state trust lands and aquatic lands they typically employ professional surveyors. During this process DNR typically contacts adjoining landowners to notify them of the surveying.

DNR currently does not have a mechanism for public comment. DNR doesn't know which landowners will be affected until they do the survey, but the bill requires notice to affected landowners prior to surveying. A boundary line adjustment refers to the change of a legal description dividing the land, which is different than a land survey identifying boundaries.

Persons Testifying: PRO: Senator Shelly Short, Prime Sponsor; Wes McCart; Rick Johnson, Stevens County Assessor's Office; GARY FETTER, GARY FETTER LAND & LIVESTOCK llc..

OTHER: Duane Emmons, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: No one.