

SENATE BILL REPORT

SB 5224

As of February 2, 2021

Title: An act relating to protecting land survey reference markers.

Brief Description: Modifying provisions related to land survey reference markers.

Sponsors: Senators Hunt and Wilson, C.; by request of Department of Natural Resources.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/02/21.

Brief Summary of Bill

- Requires the Commissioner of Public Lands to appoint a state surveyor.
- Requires the Survey Advisory Board be comprised of only licensed professional land surveyors.
- Requires a \$10 surcharge for filing and recording documents at the county auditor, with some documents excluded.
- Removes the fee set by the Board of Natural Resources for filing and recording any survey, subdivision plat, short plat, and condominium survey, plat, or map at the county auditor.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Karen Epps (786-7424)

Background: The Department of Natural Resources (DNR) is designated as the official agency for surveys and maps. Within DNR, the Public Land Survey Office (office) collects, preserves and indexes land survey records and issues permits for removing survey monuments. The office provides a means to identify and preserve survey points that

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describe common land boundaries and maintain a system of permanent reference to boundary monuments. The office supervises the sale and distribution of survey data, survey maps, other maps and maps data, photographs, and other publications.

The Survey Advisory Board (Advisory Board) is comprised of five members, the majority of whom must be registered professional engineers or land surveyors. Members are appointed by the Commissioner of Public Lands. The Advisory Board works with DNR to advise state agencies, counties, municipalities, registered engineers, and land surveyors about:

- the recovery of section corners or other land boundary marks;
- the monumentation of accepted section corners, and other boundary and reference marks; the monumentation must be adequately connected to adjusted United States coast and geodetic survey triangulation stations and the coordinates of the monuments computed to conform with the Washington coordinate system;
- For facilitation and encouragement of the use of the Washington state coordinate system; and
- for promotion of the use of the level net as established by the United States Coast and Geodetic Survey.

A fee set by the Board of Natural Resources, currently \$64, is charged by each county auditor for filing and recording surveys, subdivision plats, short plats, and condominium surveys, plats, or maps. These fees are deposited into the Surveys and Maps Account. Funding for the office comes from the proceeds of survey record sales and from the filing fees received by counties.

Summary of Bill: The Commissioner of Public Lands must appoint a licensed professional land surveyor to be known as the state surveyor. The Advisory Board must be comprised of licensed professional land surveyors. DNR and the Advisory Board are authorized to cooperate and advise on:

- the recovery of land boundary marks of the public land survey system established by the federal government's general land office and its successor the bureau of land management, or other land boundary marks;
- the establishment of a statewide program for the preservation, monumentation, and documentation of accepted public land survey system corners, roadway alignment, survey control, and other boundary and reference marks—the monumentation must be adequately connected to the national spatial reference system as established by the national geodetic survey and the coordinates of the monuments computed to conform with the Washington plane coordinate system;
- facilitation and encouragement of the use of the Washington plane coordinate system; and
- promoting use of the vertical datum as established by the national geodetic survey.

DNR may authorize the temporary removal or destruction of any land boundary mark or monument, rather than permit the temporary removal or destruction of any section corner or

any other land boundary mark or monument. The removal, referencing, and replacement of the land boundary mark or monument must be done by a licensed professional land surveyor or a licensed professional engineer authorized to practice surveying either in the county right-of-way as a county road engineer, or in the state right-of way as an employee of the Department of Transportation.

In addition to the fee specified in the Survey Recording Act, a surcharge of \$10 must be charged by each county auditor for filing and recording each document recorded. The surcharge does not apply to:

- assignments or substitutions of previously recorded deeds of trust,
- documents recording a birth, marriage, divorce, or death,
- any recorded documents otherwise exempted from a recording fee or additional surcharges under state law,
- marriage licenses issued by the county auditor, or
- documents recording a state, county, or city lien or satisfaction of lien.

The fee set by the Board of Natural Resources for filing and recording surveys, subdivision plats, short plats, and condominium surveys, plats, or maps is removed. DNR must use moneys in the Surveys and Maps account for the purposes for which they were obtained without appropriation by the Legislature. On a yearly basis an agency may not, except as provided for off-road vehicle moneys, expend more than 10 percent of the funds it receives for general administration expenses incurred by the office.

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: PRO: The bill will ensure DNR's Public Land Survey Office will be able to meet its legislative mandate and mission. Private landowners, counties, cities, municipalities, and state agencies benefit from land boundary and reference marks being protected and preserved. Current revenue from map recording is not adequate to fully fund the legislative mandate. This bill will create a clear path forward to protect property rights in Washington and substantially reduce the cost of both private and public boundary surveys. This bill will establish and fund the survey monument protection program to award grant funds to counties, cities, and the Department of Transportation to recover and reset monuments of the public and private property boundary infrastructure. This fund will provide for the recovery and replacement of over 50,000 survey monuments that have marked and maintained the foundation of our property ownership and the public/private property boundary infrastructure since 1851. When monuments are missing, it complicates the ability to do a survey, which leads to project delays and additional costs.

The \$10 surcharge levied on land-related recorded documents is the logical source as it directly supports the efficient and orderly purchase and sale of property. The absence of monuments contributes greatly to uncertainty that leads to boundary disputes. Preserving the monuments that form the fabric of our land tenure system is critical to the future of our land management duties.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Patrick Beehler, Department of Natural Resources; Jon Warren, Land Surveyors Association of Washington; Cliff Webster, Architects and Engineers Legislative Council; Christopher Royak, City of Seattle; Mike McEvelly, Sitts and Hill Engineers, Inc.; Timothy Kent, Department of Natural Resources Advisory Board.

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