

SENATE BILL REPORT

SB 6266

As Reported By Senate Committee On:
Law & Justice, February 1, 1996

Title: An act relating to the establishment of lost and uncertain boundaries.

Brief Description: Establishing lost and uncertain boundaries.

Sponsors: Senators Morton, Haugen, McCaslin, Rasmussen, Hargrove and Schow.

Brief History:

Committee Activity: Law & Justice: 2/1/96 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6266 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, Quigley and Schow.

Staff: Cynthia Runger (786-7717)

Background: Whenever there is a dispute as to property boundaries and the same cannot be ascertained from any legal records or actual use, landowners may hire surveyors to make the necessary surveys. Any party may, in lieu of or in addition to hiring surveyors, bring a quiet title action in superior court to establish lost and uncertain boundaries.

Summary of Substitute Bill: Three alternative procedures for fixing boundary disputes are delineated. One way parties may resolve boundary disputes is by creating a formal written agreement which would be binding on all subsequent owners of the properties. A second way is by arbitration through the Department of Natural Resources so long as the parties agree that the department's decision would be binding. A third way is to bring a suit in equity. If a suit is brought, the court must refer the question of the location of the boundary to a commission of three disinterested surveyors for resolution. The court must accept the commission's decision unless the court finds that the decision is arbitrary and contrary to law. If the commission cannot reach a decision, the commission is excused and replaced by another.

Authorized employees, agents, and representatives of the Department of Natural Resources may enter upon any land or waters and remain there while performing their duties without liability for trespass. Landowners are not liable for unintentional injuries to surveyors who enter upon the lands for surveying purposes.

Any person who intentionally disturbs survey marks placed by a surveyor in the performance of the surveyor's duties is guilty of a gross misdemeanor.

Substitute Bill Compared to Original Bill: Technical changes are made for purposes of clarity.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is necessary to resolve conflicting survey lines established by licensed and unlicensed surveyors.

Testimony Against: None.

Testified: Senator Morton (pro); Patrick Beehler, Southwest Surveying (pro); Stan Biles, Dept. of Natural Resources (pro).