

SENATE BILL REPORT

ESSB 6266

As Passed Senate, February 9, 1996

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

Brief Description: Establish lost and uncertain boundaries.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Morton, Haugen, McCaslin, Rasmussen, Hargrove and Schow).

Brief History:

Committee Activity: Law & Justice: 2/1/96 [DPS].
Passed Senate, 2/9/96, 44-1.

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 Bill: 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 to bring a suit in equity. If a suit is brought, the court may order the parties to utilize arbitration before the civil action is allowed to proceed.

Any court-appointed surveyor and his or her employees may enter upon any land or waters and remain there while performing their duties without liability for trespass. Where practical, before entering upon private property to perform their duties, surveyors and their employees must announce and identify themselves and their intention.

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.

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).

House Amendment(s): The amendment gives the court express authority to order parties to a boundary dispute to use "mediation" instead of "arbitration."