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**SENATE BILL 5224**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Hunt and Wilson, C.; by request of Department of Natural Resources

AN ACT Relating to protecting land survey reference markers; and amending RCW 58.09.100, 58.24.020, 58.24.030, 58.24.040, 58.24.050, 58.24.060, and 58.24.070.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 58.09.100 and 1973 c 50 s 10 are each amended to read as follows:

The charge for filing any record of survey and/or record of corner information shall be fixed by the board of county commissioners, in addition to any other fees provided by law.

**Sec.**  RCW 58.24.020 and 1987 c 466 s 5 are each amended to read as follows:

The department of natural resources is designated as the official agency for surveys and maps. The commissioner of public lands shall appoint an advisory board of five members, ((~~the majority~~)) all of whom shall be ((~~registered~~)) licensed professional ((~~engineers or~~)) land surveyors, who shall serve at the pleasure of the commissioner. Members of the board shall serve without salary but are to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while actively engaged in the discharge of their duties.

**Sec.**  RCW 58.24.030 and 1987 c 466 s 6 are each amended to read as follows:

The commissioner of public lands, the department of natural resources, and the advisory board are authorized to cooperate and advise with various departments and subdivisions of the state, counties, municipalities, and ((~~registered~~)) licensed engineers or land surveyors of the state for the following purposes:

(1) The recovery of ((~~section corners~~)) 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;

(2) The establishment of a statewide program for the preservation, monumentation, and documentation of accepted ((~~section~~)) public land survey system corners, roadway alignment, survey control, and other boundary and reference marks((~~; said~~)). The monumentation shall be adequately connected to ((~~adjusted United States coast and geodetic survey triangulation stations~~)) 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 in accordance with the provisions of chapter 58.20 RCW, as derived from chapter 168, Laws of 1945;

(3) For facilitation and encouragement of the use of the Washington ((~~state~~)) plane coordinate system; and

(4) For promotion of the use of the ((~~level net~~)) vertical datum as established by the ((~~United States coast and~~)) national geodetic survey.

**Sec.**  RCW 58.24.040 and 1987 c 466 s 7 are each amended to read as follows:

The agency designated by RCW 58.24.020 is further authorized to:

(1) Set up standards of accuracy and methods of procedure;

(2) Compile and publish maps and records from surveys performed under the provisions of this chapter, and to maintain suitable indexes of surveys to prevent duplication of effort and to cooperate with all agencies of local, state, and federal government to this end;

(3) Compile and maintain records of all surveys performed under the provisions of this chapter, and assemble and maintain records of all reliable survey monuments and bench marks within the state;

(4) Collect and preserve information obtained from surveys locating and establishing land monuments and land boundaries;

(5) Supervise the sale and/or distribution of cadastral and geodetic survey data, and such related survey maps and publications as may come into the possession of the department of natural resources. Revenue derived from the sale thereof shall be deposited in the surveys and maps account in the general fund;

(6) Supervise the sale and/or distribution of maps, map data, photographs, and such publications as may come into the possession of the department of natural resources.

(7) Submit, as part of the biennial report of the commissioner of public lands, a report of the accomplishments of the agency;

(8) ((~~Permit~~)) Authorize the temporary removal or destruction of any ((~~section corner or any other~~)) land boundary mark or monument by any person, corporation, association, department, or subdivision of the state, county, or municipality as may be necessary or desirable to accommodate construction, mining, and other development of any land: PROVIDED, That such ((~~section corner or other~~)) land boundary mark or monument shall be referenced to the Washington plane coordinate system ((~~by a registered professional engineer or land surveyor~~)) prior to such removal or destruction((~~, and~~)). The land boundary removed or destroyed shall be replaced or a suitable reference monument established ((~~by a registered professional engineer or land surveyor~~)) within a reasonable time after completion of such construction, mining, or other development((~~:~~)). The removal, referencing, and replacement of the land boundary mark or monument shall be accomplished under the responsible charge of a licensed professional land surveyor under the authority of chapter 18.43 RCW, or a licensed professional engineer authorized to practice surveying either in the county right-of-way as a county road engineer under the authority of RCW 36.75.110 and 36.86.050, or in the state right-of-way as an employee of the Washington state department of transportation under the authority of RCW 47.36.010; AND PROVIDED FURTHER, That the department of natural resources shall adopt and promulgate reasonable rules and regulations under which the agency shall authorize such temporary removal or destruction and require the replacement of such ((~~section corner or other~~)) land boundary marks or monuments.

**Sec.**  RCW 58.24.050 and 1982 c 165 s 5 are each amended to read as follows:

All employees who are in responsible charge of work under the provisions of this chapter shall be licensed professional ((~~engineers or~~)) land surveyors. The commissioner of public lands must appoint a licensed professional land surveyor, to be known as the state surveyor, to carry out the duties of the department of natural resources under chapters 58.09, 58.20, and 58.24 RCW.

**Sec.**  RCW 58.24.060 and 2015 c 12 s 2 are each amended to read as follows:

There is created in the state treasury the surveys and maps account which shall be a separate account consisting of funds received or collected under this chapter and chapters 43.92((~~,~~)) and 58.22((~~, and 58.24~~)) RCW, and moneys appropriated to it by law. This account shall be used exclusively by the department of natural resources for carrying out the purposes and provisions of this chapter and chapters 43.92((~~,~~)) and 58.22((~~, and 58.24~~)) RCW. Appropriations from the account shall be expended for no other purposes. The department shall use moneys in the 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 in RCW 46.68.045, expend more than 10 percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec.**  RCW 58.24.070 and 1987 c 466 s 9 are each amended to read as follows:

((~~A fee set by the board of natural resources~~)) (1) In addition to the fee specified in RCW 58.09.100, a surcharge of $10.00 shall be charged by each county auditor, in addition to any other fees required by law, as a condition precedent to the filing and recording of ((~~any surveys, subdivision plats, short plats, and condominium surveys, plats, or maps~~)) each document recorded. Such funds shall be forwarded monthly to the state treasurer to be deposited in the surveys and maps account in the general fund. The fees shall be verified in the same manner as other fees collected by the county auditor. Fees collected under this section shall be expended by the department only for the activities prescribed in this chapter.

(2) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a state, county, or city lien or satisfaction of lien.

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