

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5557**

Chapter 106, Laws of 1992  
(partial veto)

52nd Legislature  
1992 Regular Session

RETRACEMENT OR RESURVEY OF BOUNDARIES--WHEN RECORDING  
OF SURVEY NOT REQUIRED

EFFECTIVE DATE: 6/11/92

Passed by the Senate March 7, 1992  
Yeas 48 Nays 0

JOEL PRITCHARD

**President of the Senate**

Passed by the House March 4, 1992  
Yeas 87 Nays 8

JOE KING

**Speaker of the  
House of Representatives**

Approved March 31, 1992, with the  
exception of section 2, which is  
vetoed.

BOOTH GARDNER

**Governor of the State of Washington**

CERTIFICATE

I, Gordon Golob, Secretary of the  
Senate of the State of Washington, do  
hereby certify that the attached is  
**SUBSTITUTE SENATE BILL 5557** as passed  
by the Senate and the House of  
Representatives on the dates hereon  
set forth.

GORDON A. GOLOB

**Secretary**

FILED

March 31, 1992 - 11:55 a.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5557**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

**State of Washington                      52nd Legislature                      1992 Regular Session**

**By Senate Committee on Governmental Operations (originally sponsored by  
Senators Nelson and Sutherland)**

Read first time 02/07/92.

1            AN ACT Relating to recording of surveys; amending RCW 58.09.090;  
2 and adding a new section to chapter 58.09 RCW.

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

4            **Sec. 1.** RCW 58.09.090 and 1973 c 50 s 9 are each amended to read  
5 as follows:

6            (1) A record of survey is not required of any survey:

7            (a) When it has been made by a public officer in his official  
8 capacity and a reproducible copy thereof has been filed with the county  
9 engineer of the county in which the land is located. A map so filed  
10 shall be indexed and kept available for public inspection. A record of  
11 survey shall not be required of a survey made by the United States  
12 bureau of land management. A state agency conducting surveys to carry  
13 out the program of the agency shall not be required to use a land  
14 surveyor as defined by this chapter;

1 (b) When it is of a preliminary nature;

2 (c) When a map is in preparation for recording or shall have been  
3 recorded in the county under any local subdivision or platting law or  
4 ordinance;

5 (d) When it is a retracement or resurvey of boundaries of platted  
6 lots, tracts, or parcels shown on a filed or recorded and surveyed  
7 subdivision plat or filed or recorded and surveyed short subdivision  
8 plat in which monuments have been set to mark all corners of the block  
9 or street centerline intersections, provided that no discrepancy is  
10 found as compared to said recorded information or information revealed  
11 on other subsequent public survey map records, such as a record of  
12 survey or city or county engineer's map. If a discrepancy is found,  
13 that discrepancy must be clearly shown on the face of the required new  
14 record of survey. For purposes of this exemption, the term discrepancy  
15 shall include:

16 (i) A nonexisting or displaced original or replacement monument  
17 from which the parcel is defined and which nonexistence or displacement  
18 has not been previously revealed in the public record;

19 (ii) A departure from proportionate measure solutions which has not  
20 been revealed in the public record;

21 (iii) The presence of any physical evidence of encroachment or  
22 overlap by occupation or improvement; or

23 (iv) Differences in linear and/or angular measurement between all  
24 controlling monuments that would indicate differences in spatial  
25 relationship between said controlling monuments in excess of 0.50 feet  
26 when compared with all locations of public record: That is, if these  
27 measurements agree with any previously existing public record plat or  
28 map within the stated tolerance, a discrepancy will not be deemed to  
29 exist under this subsection.

1 (2) Surveys exempted by foregoing subsections of this section shall  
2 require filing of a record of corner information pursuant to RCW  
3 58.09.040(2).

4 **\*NEW SECTION.** *Sec. 2. A new section is added to chapter 58.09 RCW  
5 to read as follows:*

6 *When the public interest will be served, the department of natural  
7 resources shall adopt rules and regulations limiting the exemption  
8 under RCW 58.09.090 over instances when retracements or resurveys are  
9 not required to be recorded.*

10 *\*Sec. 2 was vetoed, see message at end of chapter.*

11 Passed the Senate March 7, 1992.

Passed the House March 4, 1992.

Approved by the Governor March 31, 1992, with the exception of  
certain items which were vetoed.

Filed in Office of Secretary of State March 31, 1992.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 2,  
3 Substitute Senate Bill No. 5557 entitled:

4 "AN ACT Relating to recording of surveys."

5 Section 1 of Substitute Senate Bill No. 5557 amends the Survey  
6 Recording Act of 1973 (RCW 58.09) by clearly specifying when a record  
7 of survey is not required. Section 2 requires the Department of  
8 Natural Resources to adopt rules and regulations limiting the  
9 exemptions when the public interest will be served.

10 I support the legislature's desire to protect the public interest  
11 in matters related to land surveys. I am concerned, however, that  
12 section 2 authorizes the Department of Natural Resources to override  
13 policies established in statute by the adoption of rules. This  
14 provision not only creates the potential for confusion among the  
15 surveying community, but also raises questions about the  
16 appropriateness of requiring a state agency to adopt rules which negate  
17 statutory exemptions to land survey recording requirements. I am  
18 satisfied that the public interest is sufficiently protected through  
19 the provisions of section 1.

20 For this reason, I have vetoed section 2 of Substitute Senate Bill  
21 No. 5557.

22 With the exception of section 2, Substitute Senate Bill No. 5557 is  
23 approved."