

SENATE BILL REPORT

SB 5170

As of January 16, 2025

Title: An act relating to boundary line adjustments on public lands owned or managed by the department of natural resources.

Brief Description: Concerning boundary line adjustments on public lands owned or managed by the department of natural resources.

Sponsors: Senators Short, Chapman and Dozier.

Brief History:

Committee Activity: Agriculture & Natural Resources: 1/16/25.

Brief Summary of Bill

- Establishes notice and comment requirements for the Department of Natural Resources (DNR) when conducting land surveys.
- Requires DNR to comply with notice and comment requirements before they may bring suit to resolve a boundary determination.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Staff: Elena Becker (786-7493)

Background: Department of Natural Resources Survey Authority. State law designates the Department of Natural Resources (DNR) as the official agency for surveys and maps. Within DNR, the Public Land Survey Office collects, preserves, and indexes land survey records, and issues permits for removing survey monuments.

When a survey establishes, reestablishes, or restores a boundary corner, the land surveyor must file a report with the county auditor within 90 days. This report must disclose the establishment of property corners that did not previously exist or that materially vary from

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the existing record, evidence that reasonable analysis might produce a different result, or the reestablishment of lost government land office corners.

Resolving Boundary Disputes. When boundary points or lines are in dispute or cannot be determined from existing landmarks or public record, state law provides for two approaches to determine and fix the boundary:

- if the affected landowners unanimously agree to a description and marking of a boundary point or line, they file the new, agreed-upon boundary with the appropriate authority, whereupon it becomes binding; or
- if the affected landowners are unable to unanimously agree to a boundary, any one of them may bring suit for determination.

Summary of Bill: Prior to conducting a land survey, DNR is directed to:

- notify any affected landowner; and
- provide an opportunity for review and public comment. This opportunity must allow for the presentation of historical evidence about the location of the boundary, and involvement regarding the proposed location of the section corner, boundary marker, and potential boundary line adjustments.

If the survey is intended to establish land boundaries, DNR must notify affected landowners of the current and future location of any proposed section corner or boundary marker within 30 days and provide an opportunity for review and public comment.

The statutory directives for resolving boundary disputes are revised to include deeds of record as a document that may be used to resolve a dispute. DNR is directed to comply with the notice and comment requirements of this act before DNR may bring suit to determine a disputed boundary.

Appropriation: None.

Fiscal Note: Requested on January 11, 2025.

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 process for drawing boundaries is confusing, especially when multiple landowners are impacted. This issue has direct and indirect impacts and it is important to make sure that landowners can have input early and often. Some land owners have owned their property for a long time with no change to the deed, but still had their boundary lines redrawn after surveys.

Resolving boundary disputes is expensive. Even when everyone agrees it still costs money to file the agreement. Historical information is often ignored when surveys are done. Other

states have more precise and complete survey records. Good communication early and often could resolve many of these issues.

Boundary line adjustments usually affect a number of parcels and affected landowners should have plenty of time to share their perspective with DNR and the surveyor for DNR. County assessors and the public works department should be included in those communications.

OTHER: This is a complex issue and clarity is important. DNR is responsible for the public lands survey office, which is the repository for surveys and records. The public lands survey office issues permits if an entity needs to temporarily remove a monument and, in collaboration with the survey advisory board, promulgates rules on how land surveys are conducted but they do not conduct surveys.

When DNR does land surveys on state trust lands and aquatic lands they typically employ professional surveyors. During this process DNR typically contacts adjoining landowners to notify them of the surveying.

DNR currently does not have a mechanism for public comment. DNR doesn't know which landowners will be affected until they do the survey, but the bill requires notice to affected landowners prior to surveying. A boundary line adjustment refers to the change of a legal description dividing the land, which is different than a land survey identifying boundaries.

Persons Testifying: PRO: Senator Shelly Short, Prime Sponsor; Wes McCart; Rick Johnson, Stevens County Assessor's Office; GARY FETTER, GARY FETTER LAND & LIVESTOCK llc..

OTHER: Duane Emmons, Department of Natural Resources.

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