

IN THE SENATE

SENATE BILL NO. 1298

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO PLATS AND SURVEYS; AMENDING SECTION 50-1301, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 55-1902, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-1301, Idaho Code, be, and the same is hereby amended to read as follows:

50-1301. DEFINITIONS. The following definitions shall apply to terms used in this section and sections 50-1302 through 50-1334, Idaho Code.

(1) Basis of bearing: The bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or two (2) monumented corners that serves as the reference bearing for all other lines on the survey. A; or a description of the bearing system used to include a complete citation of the datum, epoch, and name of the published projection used must be shown on the survey. If a custom projection is used, the datum, epoch, and defining parameters of the projection sufficient to replicate the bearing system shall also be shown on the survey. For surveys where the bearing system is shown in accordance with this subsection, the convergence angle computed at a minimum of one monument on the survey must be shown.

(2) Easement: A right of use, falling short of ownership, and usually for a certain stated purpose;

(3) Functioning street department: A city department responsible for the maintenance, construction, repair, snow removal, sanding and traffic control of a public highway or public street system which qualifies such department to receive funds from the highway distribution account to local units of government pursuant to section 40-709, Idaho Code;

(4) GLO: The general land office and its successor agency, the United States department of the interior, bureau of land management;

(5) Idaho coordinate system: That system of coordinates established and designated by chapter 17, title 55, Idaho Code;

(6) Land survey: Measuring the field location of corners that:

(a) Determine the boundary or boundaries common to two (2) or more ownerships;

(b) Retrace or establish land boundaries;

(c) Retrace or establish boundary lines of public roads, streets, alleys or trails; or

(d) Plat lands and subdivisions thereof.

(7) Monument: A physical structure or object intended to mark, reference, or witness a line, corner, or position;

(8) Owner: The proprietor of the land (having legal title);

1 (9) Plat: The drawing, map or plan of a subdivision, cemetery, townsite  
2 or other tract of land, or a replatting of such, including certifications,  
3 descriptions and approvals;

4 (10) Private road: A road within a subdivision plat that is not dedi-  
5 cated to the public and not a part of a public highway system;

6 (11) Public highway agency: The state transportation department, any  
7 city, county, highway district or other public agency with jurisdiction over  
8 public highway systems and public rights-of-way;

9 (12) Public land survey corner: Any point actually established and mon-  
10 umented in an original survey or resurvey that determines the boundaries of  
11 remaining public lands, or public lands patented, represented on an official  
12 plat and in the field notes thereof, accepted and approved under authority  
13 delegated by congress to the U.S. general land office and the U.S. depart-  
14 ment of the interior, bureau of land management; however, this definition  
15 shall exclude GLO-surveyed townsite lot corners, except those marking exte-  
16 rior angle points or block corners within the townsite;

17 (13) Public right-of-way: Any land dedicated and open to the public and  
18 under the jurisdiction of a public highway agency, where the public highway  
19 agency has no obligation to construct or maintain said right-of-way for ve-  
20 hicular traffic;

21 (14) Public street: A road, thoroughfare, alley, highway or bridge un-  
22 der the jurisdiction of a public highway agency;

23 (15) Reference point: A special monumented point that does not occupy  
24 the same geographical position as the corner itself and where the spatial re-  
25 lationship to the corner is known and recorded and that serves to locate the  
26 corner;

27 (16) Sanitary restriction: The requirement that no building or shel-  
28 ter, which requires a water supply facility or a sewage disposal facility for  
29 people using the premises where such building or shelter is located, shall be  
30 erected until written approval is first obtained from the director of the de-  
31 partment of environmental quality or his delegate approving plans and spec-  
32 ifications either for public water and/or sewage facilities or individual  
33 parcel water and/or sewage facilities;

34 (17) Street: A road, thoroughfare, alley, highway or right-of-way that  
35 may be open for public use but is not part of a public highway system or under  
36 the jurisdiction of a public highway agency;

37 (18) Subdivision: A tract of land divided into five (5) or more lots,  
38 parcels, or sites for the purpose of sale or building development, whether  
39 immediate or future; provided that this definition shall not include a bona  
40 fide division or partition of agricultural land for agricultural purposes.  
41 A bona fide division or partition of agricultural land for agricultural pur-  
42 poses shall mean the division of land into lots, all of which are five (5)  
43 acres or larger and maintained as agricultural lands. Cities or counties may  
44 adopt their own definition of subdivision in lieu of this definition;

45 (19) Witness corner: A monumented point on a lot line or boundary line  
46 of a survey, near a corner and established in situations where it is imprac-  
47 ticable to occupy or monument the corner.

48 SECTION 2. That Section 55-1902, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1 55-1902. DEFINITIONS. As used in this chapter:

2 (1) "Basis of bearing" means the bearing in degrees, minutes and sec-  
3 onds, or equivalent, of a line between two (2) monuments or two (2) monu-  
4 mented corners that serves as the reference bearing for all other lines on  
5 the survey. ~~A; or a~~ description of the bearing system used to include a com-  
6 plete citation of the datum, epoch, and name of the published projection must  
7 be shown on the survey. If a custom projection is used, the datum, epoch, and  
8 defining parameters of the projection sufficient to replicate the bearing  
9 system shall also be shown on the survey. For surveys where the bearing sys-  
10 tem is shown in accordance with this subsection, the convergence angle com-  
11 puted at a minimum of one monument on the survey must be shown.

12 (2) "Corner," unless otherwise defined, means a property corner, or a  
13 property controlling corner, or a public land survey corner, or any combina-  
14 tion of these.

15 (3) "GPS" is the abbreviation for global positioning system, which is  
16 satellite surveying based on observations of the electromagnetic signals  
17 broadcast from the U.S. department of defense's NAVSTAR GPS system.

18 (4) "Idaho coordinate system" means that system of plane coordinates as  
19 established and designated by chapter 17, title 55, Idaho Code.

20 (5) "Land survey" means measuring the field location of corners that:

21 (a) Determine the boundary or boundaries common to two (2) or more own-  
22 erships;

23 (b) Retrace or establish land boundaries;

24 (c) Retrace or establish boundary lines of public roads, streets, al-  
25 leys or trails; or

26 (d) Plat lands and subdivisions thereof.

27 (6) "Monument" means a physical structure or object intended to mark,  
28 reference, or witness a line, corner, or position.

29 (7) "Property controlling corner" means a public land survey corner,  
30 property corner, reference point or witness corner that controls the loca-  
31 tion of one (1) or more of the property corners of the property in question.

32 (8) "Property corner" means a geographic point on the surface of the  
33 earth and is on, a part of, and controls a property.

34 (9) "Public land survey corner" means any point actually established  
35 and monumented in an original survey or resurvey that determines the bound-  
36 aries of remaining public lands, or public lands patented, represented on an  
37 official plat and in the field notes thereof, accepted and approved under au-  
38 thority delegated by congress to the U.S. general land office and the U.S.  
39 department of the interior, bureau of land management.

40 (10) "Reference point" means a special monumented point that does not  
41 occupy the same geographical position as the corner itself and, where the  
42 spatial relationship to the corner is known and recorded, that serves to lo-  
43 cate the corner.

44 (11) "Surveyor" means every person authorized by the state of Idaho to  
45 practice the profession of land surveying.

46 SECTION 3. An emergency existing therefor, which emergency is hereby  
47 declared to exist, this act shall be in full force and effect on and after  
48 July 1, 2024.