

IN THE SENATE

SENATE BILL NO. 1008

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO SURVEYS; AMENDING SECTION 50-1301, IDAHO CODE, TO REVISE A
2 DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION
3 55-1902, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL COR-
4 RECTIONS.
5

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

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

9 50-1301. DEFINITIONS. The following definitions shall apply to terms
10 used in this section and sections 50-1302 through 50-1334, Idaho Code.

11 (1) Basis of bearing: The bearing in degrees, minutes and seconds, or
12 equivalent, of a line between two (2) monuments or two (2) monumented corners
13 that serves as the reference bearing for all other lines on the survey;

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

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

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

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

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

26 (b) Retrace or establish land boundaries;

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

29 (d) Plat lands and subdivisions thereof.

30 (6) Monument: A physical structure or object that occupies the posi-
31 tion of a corner;

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

33 (8) Plat: The drawing, map or plan of a subdivision, cemetery, townsite
34 or other tract of land, or a replatting of such, including certifications,
35 descriptions and approvals;

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

38 (10) Public highway agency: The state transportation department, any
39 city, county, highway district or other public agency with jurisdiction over
40 public highway systems and public rights-of-way;

41 (11) Public land survey corner: Any point actually established and mon-
42 umented in an original survey or resurvey that determines the boundaries of

1 remaining public lands, or public lands patented, represented on an official
 2 plat and in the field notes thereof, accepted and approved under authority
 3 delegated by congress to the U.S. general land office and the U.S. department
 4 of the interior, bureau of land management;

5 (12) Public right-of-way: Any land dedicated and open to the public and
 6 under the jurisdiction of a public highway agency, where the public highway
 7 agency has no obligation to construct or maintain said right-of-way for ve-
 8 hicular traffic;

9 (13) Public street: A road, thoroughfare, alley, highway or bridge un-
 10 der the jurisdiction of a public highway agency;

11 (14) Reference point: A special monumented point that does not occupy
 12 the same geographical position as the corner itself and where the spatial re-
 13 lationship to the corner is known and recorded and that serves to locate the
 14 corner;

15 (15) Sanitary restriction: The requirement that no building or shelter
 16 which will require a water supply facility or a sewage disposal facility for
 17 people using the premises where such building or shelter is located shall be
 18 erected until written approval is first obtained from the director of the de-
 19 partment of environmental quality or his delegate approving plans and spec-
 20 ifications either for public water and/or sewage facilities, or individual
 21 parcel water and/or sewage facilities;

22 (16) Street: A road, thoroughfare, alley, highway or a right-of-way
 23 which may be open for public use but is not part of a public highway system nor
 24 under the jurisdiction of a public highway agency;

25 (17) Subdivision: A tract of land divided into five (5) or more lots,
 26 parcels, or sites for the purpose of sale or building development, whether
 27 immediate or future; provided that this definition shall not include a bona
 28 fide division or partition of agricultural land for agricultural purposes.
 29 A bona fide division or partition of agricultural land for agricultural pur-
 30 poses shall mean the division of land into lots, all of which are five (5)
 31 acres or larger, and maintained as agricultural lands. Cities or counties
 32 may adopt their own definition of subdivision in lieu of this definition;

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

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

38 55-1902. DEFINITIONS. As used in this chapter:

39 (1) "Basis of bearing" means the bearing in degrees, minutes and sec-
 40 onds, or equivalent, of a line between two (2) monuments or two (2) monu-
 41 mented corners ~~which that~~ serves as the reference bearing for all other lines
 42 on the survey.

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

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

- 1 (4) "Idaho coordinate system" shall mean that system of plane coordi-
2 nates as established and designated by chapter 17, title 55, Idaho Code.
- 3 (5) "Land survey" means measuring the field location of corners that:
4 (a) Determine the boundary or boundaries common to two (2) or more own-
5 erships;
6 (b) Retrace or establish land boundaries;
7 (c) Retrace or establish boundary lines of public roads, streets, al-
8 leys or trails; or
9 (d) Plat lands and subdivisions thereof.
- 10 (6) "Monument" is a physical structure or object that occupies the ex-
11 act position of a corner.
- 12 (7) "Property controlling corner" for a property is a public land sur-
13 vey corner, property corner, reference point or witness corner that controls
14 the location of one (1) or more of the property corners of the property in
15 question.
- 16 (8) "Property corner" is a geographic point on the surface of the earth,
17 and is on, a part of, and controls a property.
- 18 (9) "Public land survey corner" is any point actually established and
19 monumented in an original survey or resurvey that determines the boundaries
20 of remaining public lands, or public lands patented, represented on an of-
21 ficial plat and in the field notes thereof, accepted and approved under au-
22 thority delegated by congress to the U.S. general land office and the U.S.
23 department of the interior, bureau of land management.
- 24 (10) "Reference point" means a special monumented point that does not
25 occupy the same geographical position as the corner itself, and where the
26 spatial relationship to the corner is known and recorded, and that serves to
27 locate the corner.
- 28 (11) "Surveyor" shall mean every person authorized by the state of Idaho
29 to practice the profession of land surveying.