

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 752 of the Regular Session

1 State of Arkansas

As Engrossed: H3/13/07 S3/23/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 2628

4  
5 By: Representatives R. Green, Pyle

6 By: Senator J. Taylor

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9 **For An Act To Be Entitled**

10 AN ACT TO TRANSFER THE DIVISION OF LAND SURVEYS  
11 IN THE OFFICE OF COMMISSIONER OF STATE LANDS TO  
12 THE ARKANSAS AGRICULTURE DEPARTMENT; AND FOR  
13 OTHER PURPOSES.

14  
15 **Subtitle**

16 AN ACT TO TRANSFER THE DIVISION OF LAND  
17 SURVEYS IN THE OFFICE OF COMMISSIONER OF  
18 STATE LANDS TO THE ARKANSAS AGRICULTURE  
19 DEPARTMENT.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code Title 25, Chapter 38, Subchapter 2 is amended  
25 to add an additional section to read as follows:

26 25-38-209. Transfer of the Division of Land Surveys.

27 (a)(1) Effective July 1, 2007, the Division of Land Surveys in the  
28 Office of Commissioner of State Lands is transferred to the Arkansas  
29 Agriculture Department and shall be administered by the Secretary of the  
30 Arkansas Agriculture Department.

31 (2) All authority, powers, duties, functions, records,  
32 authorized positions, property, unexpended balances of appropriations,  
33 allocations, or other funds of the Division of Land Surveys are transferred  
34 to the Arkansas Agriculture Department.

35 (b) In order to protect the Division of Land Surveys, to allow for



1 continuation of necessary procedures, and to provide for a smooth transition  
2 to the Department of Agriculture, the Secretary of the Arkansas Agriculture  
3 Department may not realign the functions and records of the Division of Land  
4 Surveys of the Arkansas Agriculture Department before July 1, 2008.

5 SECTION 2. Arkansas Code § 15-21-201(a) is amended to read as follows:

6 (a) There is created in the ~~Office of the Commissioner of State Lands~~  
7 Arkansas Agriculture Department a Division of Land Surveys.

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9 SECTION 3. Arkansas Code § 15-21-204 is amended to read as follows:

10 15-21-204. Advisory board - Duties.

11 The Advisory Board to the Division of Land Surveys created by this  
12 subchapter shall act in an advisory capacity to the ~~Commissioner of State~~  
13 ~~Lands~~ Secretary of the Arkansas Agriculture Department and the State Surveyor  
14 in all matters relative to formulating policies of the Division of Land  
15 Surveys and in promulgating the regulations designed to establish uniform  
16 professional surveying and mapping methods and standards for the state and in  
17 formulating other policies, practices, and regulations as the ~~Commissioner of~~  
18 ~~State Lands~~ Secretary of the Arkansas Agriculture Department and the State  
19 Surveyor shall deem necessary to carry out the purpose and intent of this  
20 subchapter.

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22 SECTION 4. Arkansas Code § 15-21-205 is amended to read as follows:

23 15-21-205. State Surveyor - Generally.

24 (a) The Division of Land Surveys shall be headed by and shall be under  
25 the direction, supervision, and control of the State Surveyor.

26 (b) The State Surveyor shall:

27 (1) Be a person of proven administrative ability, a registered  
28 professional surveyor, and a resident of the State of Arkansas with training  
29 and experience properly qualifying the person for the performance of his or  
30 her official duties;

31 (2) Be appointed by and serve at the pleasure of the  
32 ~~Commissioner of State Lands~~ Secretary of the Arkansas Agriculture Department,  
33 provided that the ~~Commissioner of State Lands~~ Secretary of the Arkansas  
34 Agriculture Department shall appoint the State Surveyor after consulting with  
35 the State Board of Registration for Professional Engineers and Land Surveyors  
36 ~~and the Arkansas Association of Registered Land Surveyors~~ Arkansas Society of

1 Professional Surveyors;2 ~~(3) Serve until dismissed by the Commissioner of State Lands;~~3 ~~(4)(3)~~ Devote his or her full time to the performance of his or  
4 her official functions and duties as prescribed in this subchapter;5 ~~(5)(4)~~ Hold no other lucrative position while serving as State  
6 Surveyor; and7 ~~(6)(5)~~ Receive such compensation as may be prescribed by law.  
89 SECTION 5. Arkansas Code § 15-21-206 is amended to read as follows:  
10 15-21-206. State Surveyor - Powers and duties.11 The State Surveyor, acting under the supervision and direction and with  
12 the approval of the ~~Commissioner of State Lands~~ Secretary of the Arkansas  
13 Agriculture Department, shall have the following authority and  
14 responsibility:

15 (1) To:

16 (A) Restore, maintain, and preserve the land survey  
17 monuments, section corners, and quarter section corners established by the  
18 United States Public Land Survey within the State of Arkansas, together with  
19 all pertinent field notes, plats, and documents; and20 (B) Restore, establish, maintain, and preserve other  
21 boundary markers as may be determined to be necessary or important in  
22 establishing and maintaining accurate land descriptions in this state;23 (2)(A) To design and cause to be placed at established public  
24 land survey corner sites, where practical, substantial monuments permanently  
25 indicating with words and figures the exact location involved.26 (B) If the monuments cannot be placed at the exact corner  
27 point, then witness corners of similar design shall be placed as near as is  
28 possible with words and figures indicating the bearing and distance to the  
29 true corner;30 (3) To establish, maintain, and provide safe storage facilities  
31 for a comprehensive system of recordation of information respecting all  
32 monuments established by the United States Public Land Survey within this  
33 state and any records as may be pertinent to the Division of Land Survey's  
34 establishment or maintenance of other land corners, Arkansas coordinate  
35 system stations and accessories, and monuments in general;

36 (4) To extend throughout the state a triangulation and leveling

1 net of precision whereby the Arkansas Coordinate System 1983, § 15-21-301 et  
2 seq., already initiated in this state by the United States National Geodetic  
3 Survey may be made to cover to the necessary extent those areas of the state  
4 that do not now have enough geodetic control stations to permit the general  
5 use of the system by land surveyors and others;

6 (5) To collect and preserve information obtained from surveys  
7 made by those authorized to establish land monuments or land boundaries and  
8 to assist in the proper recording of the information by the duly constituted  
9 county officials or other appropriate officials;

10 (6)(A) To furnish certified copies of records created or  
11 maintained by the division to any person, entity, or agency upon request  
12 therefor and payment of the prescribed fees.

13 (B) All such records when certified by the State Surveyor  
14 or a designated assistant shall be admissible in evidence in any court in  
15 this state as the original record filed with this agency;

16 (7) To:

17 (A) Prescribe reasonable rules and regulations not  
18 inconsistent with law designed to establish uniform professional surveying  
19 and mapping methods and standards in this state;

20 (B) Disseminate the rules and regulations to those engaged  
21 in the profession of land surveying; and

22 (C) Administer the regulations by referring evidence of  
23 violations to the Arkansas State Board of Registration for Professional  
24 Engineers and Land Surveyors as provided in subdivision (9) of this section;

25 (8) To promote the training and the increase in number of  
26 quality surveyors in this state;

27 (9) To receive and investigate complaints against any surveyor  
28 and to present the results from the investigation of complaints to the board  
29 for such action as the board shall deem appropriate;

30 (10) To assist the county assessors in establishing accurate  
31 land descriptions of the state-owned or state-claimed lands and to assist the  
32 public and private surveyors to obtain land ownership information for  
33 surveying purposes;

34 (11) To accept for the state gifts, grants, and donations from  
35 any and all persons, corporations, associations, and foundations and from the  
36 federal or state government or any agency or program thereof to be deposited

1 in a financial institution in this state;

2 (12) To enter into such agreements or contracts with agencies of  
3 the United States Government, agencies of the State of Arkansas, other  
4 states, and registered land surveyors as he or she deems necessary or  
5 desirable to properly plan and execute projects within the scope and purpose  
6 of this subchapter; and

7 (13) To employ such surveyors and other professional and  
8 nonprofessional assistants and to take other reasonable action as deemed  
9 necessary to carry out the purposes of this subchapter.

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11 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
12 General Assembly of the State of Arkansas that this act transfers the  
13 Division of Land Surveys in the Office of Commissioner of State Lands to the  
14 Arkansas Agriculture Department; that to effectively administer this act the  
15 transition should occur at the beginning of the next fiscal year; and that  
16 the effectiveness of this act on July 1, 2007, is essential to the operation  
17 of the agencies. Therefore, an emergency is declared to exist and this act  
18 being necessary for the preservation of the public peace, health, and safety  
19 shall become effective on July 1, 2007.

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21 /s/ R. Green

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23 APPROVED: 3/30/2007  
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