

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Dowd

# A Bill

SENATE BILL 610

## For An Act To Be Entitled

8 "TO REMOVE THE STATE GEOLOGIST OR DIRECTOR OF THE  
9 GEOLOGICAL COMMISSION FROM VARIOUS BOARDS, COMMITTEES AND  
10 COMMISSIONS, AND REPLACE HIM WITH THE DIRECTOR OF THE SOIL  
11 AND WATER CONSERVATION COMMISSION WHEN HE IS NOT CURRENTLY  
12 A MEMBER; TO CLARIFY THE LAW CONCERNING THE SUPERVISION OF  
13 THE LAND SURVEYS DIVISION, AND THE STATE SURVEYOR; TO  
14 TRANSFER OTHER DUTIES OF THE GEOLOGICAL COMMISSION TO THE  
15 SOIL AND WATER CONSERVATION COMMISSION; DECLARING AN  
16 EMERGENCY; AND FOR OTHER PURPOSES."

## Subtitle

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18  
19 "REMOVE THE STATE GEOLOGIST OR DIRECTOR  
20 OF THE GEOLOGICAL COMMISSION FROM  
21 VARIOUS BOARDS, COMMITTEES AND  
22 COMMISSIONS."

23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25  
26 SECTION 1. Arkansas Code 8-4-104 dealing with the makeup of the  
27 Arkansas Pollution Control & Ecology Commission is amended to read as  
28 follows:

29 "8-4-104. Arkansas Pollution Control and Ecology Commission - Members.

30 (a) There is created and established an Arkansas Pollution Control and  
31 Ecology Commission, which hereinafter shall be referred to as the  
32 "commission."

33 (b) The commission shall be composed of twelve (12) members.

34 (1) The Governor, by and with the advice and consent of the  
35 Senate, shall appoint seven (7) members.



1 receive no additional salary or per diem for services as a member of the  
2 commission, but shall be allowed travel and maintenance expenses while  
3 attending hearings or other official business away from Little Rock.

4 (2) The other seven (7) members appointed by the Governor shall  
5 be allowed seventy-five dollars (\$75.00) per day plus their travel and  
6 maintenance expenses while attending regular meetings and special hearings at  
7 the same rates prescribed by law or regulations for state employees, to be  
8 paid out of the funds appropriated to the commission."

9

10 SECTION 2. Arkansas Code 14-229-101(b) dealing with the makeup of the  
11 Individual Sewage Disposal Systems Advisory Committee is amended to read as  
12 follows:

13 "(b) The advisory committee shall consist of twelve (12) members, to  
14 be appointed as follows:

15 (1) A member of the Arkansas Home Builders Association, to be  
16 appointed by the president of the association;

17 (2) A member of the Arkansas Real Estate Commission, to be  
18 appointed by a majority vote of the commission;

19 (3) A member of the Arkansas Realtors Association, to be  
20 appointed by the president of the association;

21 (4) One (1) member who shall be a currently serving or former  
22 member of the board of a suburban improvement district or an officer or  
23 member of an association of property owners created by and pursuant to state  
24 law and organized for the purpose of maintaining common facilities, including  
25 sewage disposal facilities, in unincorporated subdivisions in this state, to  
26 be named by the Governor. However, in making the appointment, the Governor  
27 shall name a person who has been a developer or a member or officer of the  
28 board of a development company that has developed large unincorporated  
29 subdivisions in two (2) or more counties in this state;

30 (5) Two (2) members of the Septic Tank Research Program of the  
31 University of Arkansas, to be named by the President of the University of  
32 Arkansas;

33 (6) The Director of the Division of Engineering, Department of  
34 Health;

35 (7) The Program Administrator of the Environmental Program

1 Section, Division of Environmental Health Protection, Department of Health;

2 (8) The Director of the Division of Environmental Health

3 Protection, Department of Health;

4 (9) The Director of the Arkansas Department of Pollution Control  
5 and Ecology or his designee;

6 (10) The State Conservationist of the United States Department  
7 of Agriculture Natural Resources Conservation Service or his designee; and

8 (11) The Director of the Arkansas Soil and Water Conservation  
9 Commission or his designee."

10

11 SECTION 3. Arkansas Code 15-10-304(7) dealing with the study of laws  
12 related to the presence of nuclear materials is amended to read as follows:

13 "(7) The Arkansas Soil and Water Conservation Commission, particularly  
14 as to the hazards, if any, to the natural resources of the state, including  
15 wildlife, and as to the protection, if necessary, of rivers, streams, and  
16 airspace from pollution; and"

17

18 SECTION 4. Arkansas Code 15-21-101 dealing with the restoration of  
19 Government Land Office corners is amended to read as follows:

20 "15-21-101. Restoration of GLO corners.

21 (a) In order to expedite the restoration of original U. S. Government  
22 Land Office corners by placement of markers and monuments, a contract between  
23 certified land surveyors of this state and the Arkansas Soil and Water  
24 Conservation Commission, Division of Land Surveys shall not be required.

25 (b) Compensation may be made by the Division to any certified surveyor  
26 who provides proof of restoration according to specifications prescribed by  
27 the Division."

28

29 SECTION 5. Arkansas Code 15-21-201(a) dealing with the creation of the  
30 Division of Land Surveys is amended to read as follows:

31 "(a) There is created the Division of Land Surveys within the Arkansas  
32 Soil and Water Conservation Commission."

33

34 SECTION 6. Arkansas Code 15-21-204 dealing with the duties of the Land  
35 Survey Advisory Board is amended to read as follows:

1 "15-21-204. Advisory board - Duties.

2 The Land Survey Advisory Board created by this subchapter shall act in an  
3 advisory capacity to the Director of the Arkansas Soil and Water Conservation  
4 Commission and the State Surveyor in all matters relative to formulating  
5 policies of the Division of Land Surveys and in promulgating the regulations  
6 designed to establish uniform professional surveying and mapping methods and  
7 standards for the state and in formulating other policies, practices, and  
8 regulations as the Director and the State Surveyor shall deem necessary to  
9 carry out the purpose and intent of this subchapter."

10

11 SECTION 7. Arkansas Code 15-21-205(b) dealing with the State Surveyor  
12 is amended to read as follows:

13 "(b) The State Surveyor shall:

14 (1) Be a person of proven administrative ability, a registered land  
15 surveyor, and a resident of the State of Arkansas with training and  
16 experience properly qualifying him for the performance of his official  
17 duties;

18 (2) Be appointed by and serve at the pleasure of the Director of the  
19 Arkansas Soil and Water Conservation Commission, provided the Director shall  
20 appoint the State Surveyor after consulting with the State Board of  
21 Registration for Professional Engineers and Land Surveyors and the Arkansas  
22 Association of Registered Land Surveyors;

23 (3) Serve until dismissed by the Director;

24 (4) Devote his full time to the performance of his official functions  
25 and duties as prescribed in this subchapter;

26 (5) Hold no other lucrative position while serving as State Surveyor;

27 and (6) Receive such compensation as may be prescribed by law."

28

29 SECTION 8. Arkansas Code 15-21-206 dealing with the powers and duties  
30 of the State Surveyor is amended to read as follows:

31 "15-21-206. State Surveyor - Powers and duties.

32 The State Surveyor shall, acting under the supervision and direction and  
33 with the approval of the Director of the Arkansas Soil and Water Conservation  
34 Commission, have the following authority and responsibility:

35 (1)(A) To restore, maintain, and preserve the land survey monuments,

1 section corners, and quarter section corners established by the United States  
2 Public Land Survey within the State of Arkansas, together with all pertinent  
3 field notes, plats, and documents; and

4 (B) To restore, establish, maintain, and preserve other boundary  
5 markers as may be determined to be necessary or important in establishing and  
6 maintaining accurate land descriptions in this state;

7 (2) To design and cause to be placed at established public land survey  
8 corner sites, where practical, substantial monuments permanently indicating  
9 with words and figures the exact location involved. If the monuments cannot  
10 be placed at the exact corner point, then witness corners of similar design  
11 shall be placed as near as is possible with words and figures indicating the  
12 bearing and distance to the true corner;

13 (3) To establish, maintain, and provide safe storage facilities for a  
14 comprehensive system of recordation of information respecting all monuments  
15 established by the United States Public Land Survey within this state, and  
16 any records as may be pertinent to the division's establishment or  
17 maintenance of other land corners, Arkansas coordinate system stations and  
18 accessories, and monuments in general;

19 (4) To extend throughout the state a triangulation and levelling net of  
20 precision, whereby the Arkansas Coordinate System 1983, § 15-21-301 et seq.,  
21 already initiated in this state by the United States National Geodetic  
22 Survey, may be made to cover to the necessary extent those areas of the state  
23 which do not now have enough geodetic control stations to permit the general  
24 use of the system by land surveyors and others;

25 (5) To collect and preserve information obtained from surveys made by  
26 those authorized to establish land monuments or land boundaries and to assist  
27 in the proper recording of the same by the duly constituted county officials  
28 or other appropriate officials;

29 (6) To furnish certified copies of records created or maintained by the  
30 division to any person, entity, or agency upon request therefor and payment  
31 of the prescribed fees. All such records, when certified by the State  
32 Surveyor or a designated assistant, shall be admissible in evidence in any  
33 court in this state as the original record filed with this agency;

34 (7)(A) To prescribe reasonable rules and regulations, not inconsistent  
35 with law, designed to establish uniform professional surveying and mapping

1 methods and standards in this state;

2 (B) To disseminate the rules and regulations to those engaged in the  
3 profession of land surveying; and

4 (C) To administer the regulations by referring evidence of violations  
5 to the board as provided below;

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

8 (9) To receive and investigate complaints against any surveyor and to  
9 present the results from the investigation of complaints to the Arkansas  
10 State Board of Registration for Professional Engineers and Land Surveyors for  
11 such action as the board shall deem appropriate;

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

16 (11) To accept for the state gifts, grants, and donations from any and  
17 all persons, corporations, associations, and foundations and from the federal  
18 or state government or any agency or program thereof to be deposited in the  
19 State Treasury to the credit of the Land Surveys Fund;

20 (12) To enter into such agreements or contracts with agencies of the  
21 United States Government, agencies of the State of Arkansas, other states,  
22 and registered land surveyors as he deems necessary or desirable to properly  
23 plan and execute projects within the scope and purpose of this subchapter;  
24 and

25 (13) To employ such surveyors and other professional and nonprofessional  
26 assistants and to take other reasonable action as deemed necessary to carry  
27 out the purposes of this subchapter."  
28

29 SECTION 9. Arkansas Code 15-23-307(b) dealing with the makeup of the  
30 Natural and Scenic Rivers Advisory Council is amended to read as follows:

31 "(b) The council shall consist of seven (7) members serving two-year  
32 terms. Each member shall be appointed by the agency in which he is employed.  
33 One (1) member shall be chosen by the Department of Pollution Control and  
34 Ecology; one (1) member shall be chosen by the Arkansas State Game and Fish  
35 Commission; one (1) member shall be chosen by the Arkansas Soil and Water

1 Conservation Commission; one (1) member shall be chosen by the Department of  
2 Parks and Tourism; one (1) member shall be chosen by the Arkansas Natural  
3 Heritage Commission; one (1) member shall be chosen by the United States  
4 Forest Service; and one (1) member shall be chosen by the State Forestry  
5 Commission."

6

7 SECTION 10. Arkansas Code 15-57-315(8) dealing with agency review of  
8 mine operator\_s reclamation plan is amended to read as follows:

9 "(8) The department's approval of the operator's reclamation plan  
10 shall be based upon the advice and technical assistance of the State Highway  
11 Commission, the Arkansas Soil and Water Conservation Commission, the Arkansas  
12 State Game and Fish Commission, the State Forester, the University of  
13 Arkansas Agricultural Extension Service, the department, and other agencies  
14 or persons having experience in foresting and reclaiming open-cut mined lands  
15 with forest or agronomic or horticultural species, based upon scientific  
16 knowledge from research into reclaiming and utilizing forest and agronomic  
17 species on open-cut mined lands. The operator shall designate which parts of  
18 the affected land shall be reclaimed for forest, pasture, crop, horticulture,  
19 homesite, recreational, industrial, or other use, including food, shelter, or  
20 ground cover for wildlife, and shall show each use by appropriate designation  
21 on the reclamation map;"

22

23 SECTION 11. Arkansas Code 17-45-201(a) dealing with the makeup of the  
24 professional geologist board is amended to read as follows:

25 "17-45-201. Creation - Members - Compensation.

26 (a)(1) There is created the State Board of Registration for Professional  
27 Geologists.

28 (2) It shall be the duty of the board to administer this chapter and  
29 promulgate regulations for registration of qualified geological applicants.

30 (3) The board shall be comprised of:

31 (A) Five (5) members who shall be registered geologists, one (1)  
32 of whom shall be an academic geologist, one (1) a governmental geologist, one  
33 (1) a salaried company geologist, one (1) an independent or consultant  
34 geologist, and one (1) a geologist-at-large;

35 (B) One (1) additional member who shall be appointed from the



1 public at large and who shall have no connection whatsoever with the practice  
2 of geology; and

3 (C) The Director of the Arkansas Soil and Water Conservation  
4 Commission, or his designated agent, as a permanent ex officio member."

5

6 SECTION 12. Arkansas Code 22-5-804(a) dealing with the makeup of the  
7 Natural Resources Committee is amended to read as follows:

8 "(a) The Natural Resources Committee created by this section shall be  
9 composed of the Director of the Department of Finance and Administration, the  
10 Director of the Oil and Gas Commission, the State Forester, the Director of  
11 the Arkansas Soil and Water Conservation Commission, the Commissioner of  
12 State Lands, the Director of the Arkansas State Game and Fish Commission, the  
13 Director of the Department of Parks and Tourism or his designee, the Director  
14 of the Arkansas Department of Pollution Control and Ecology, and the Director  
15 of the Arkansas Natural Heritage Commission. Each member of the committee  
16 may designate a representative to serve on their behalf."

17

18 SECTION 13. Arkansas Code 22-5-807(a) is amended to read as follows:

19 "(a) When an application for a lease or permit is filed with the  
20 Commissioner of State Lands for the taking or production of any sand, gravel,  
21 oil, natural gas, casinghead gas, coal or other minerals, or the severance of  
22 any timber, from state-owned lands, the Commissioner of State Lands shall so  
23 notify the Arkansas Soil and Water Conservation Commission, the Oil and Gas  
24 Commission, the Arkansas State Game and Fish Commission, the Department of  
25 Parks and Tourism, the Arkansas Department of Pollution Control and Ecology,  
26 the Arkansas Forestry Commission, and any other appropriate state agency  
27 which has or may have a particular interest in the area proposed to be  
28 covered by the lease or permit."

29

30 SECTION 14. Arkansas Code 27-65-128(a) dealing with the investigations  
31 and reports to the State Highway Commission is amended to read as follows:

32 "(a) The consulting engineer and the Arkansas Soil and Water  
33 Conservation Commission shall make such investigations and reports as the  
34 State Highway Commission may from time to time require."

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1           SECTION 15. Arkansas Code 17-43-201(b) dealing with the makeup of the  
2 Commission on Water Well Construction is amended to read as follows:

3           "(b) The commission shall consist of six (6) members, composed of:

4           (1) The Director of the Department of Health or his designated  
5 representative;

6

7           (2) The Director of the Arkansas Soil and Water Conservation Commission  
8 or his designated representative; and

9           (3) Four (4) persons who are, by trade, water well drillers. The water  
10 well drilling members shall be representative of each congressional district  
11 in this state and shall be appointed by the Governor by and with the advice  
12 and consent of the Senate. Appointees shall be certified under the provisions  
13 of §§ 17-43-301 and 17-43-302."

14

15           SECTION 16. All provisions of this act of a general and permanent  
16 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
17 Code Revision Commission shall incorporate the same in the Code.

18

19           SECTION 17. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

24

25           SECTION 18. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

27

28           SECTION 19. EMERGENCY. It is hereby found and determined by the  
29 General Assembly that the provisions of this act are of critical importance  
30 to preserve the efficient operation of programs that deliver services to the  
31 citizens of the State of Arkansas; and that this act is necessary for the  
32 efficient operation of state government. Therefore, an emergency is hereby  
33 declared to exist, and this act being immediately necessary for the  
34 preservation of the public peace, health, and safety shall be in full force  
35 and effect from and after July 1, 1995.

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