

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.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H3/20/01

## A Bill

HOUSE BILL 1515

5 By: Representatives Bond, J. Taylor  
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### For An Act To Be Entitled

9 AN ACT TO TRANSFER THE DIVISION OF LAND  
10 SURVEYS FROM THE ARKANSAS GEOLOGICAL  
11 COMMISSION TO THE OFFICE OF THE COMMISSIONER OF  
12 STATE LANDS; AND FOR OTHER PURPOSES.

### Subtitle

15 TO TRANSFER THE DIVISION OF LAND SURVEYS  
16 FROM THE ARKANSAS GEOLOGICAL COMMISSION  
17 TO THE OFFICE OF THE COMMISSIONER OF STATE  
18 LANDS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 15-21-201(a) is amended to read as  
23 follows:

24 (a) There is created in the Office of the ~~State Geologist of the~~  
25 ~~Arkansas Geological Commission~~ Commissioner of State Lands a Division of Land  
26 Surveys.  
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28 SECTION 2. Arkansas Code 15-21-204 is amended to read as follows:  
29 15-21-204. Advisory board - Duties.

30 The Land Survey Advisory Board created by this subchapter shall act in  
31 an advisory capacity to the ~~State Geologist~~ Commissioner of State Lands and  
32 the State Surveyor in all matters relative to formulating policies of the  
33 Division of Land Surveys and in promulgating the regulations designed to  
34 establish uniform professional surveying and mapping methods and standards for  
35 the state and in formulating other policies, practices, and regulations as the  
36 ~~State Geologist~~ Commissioner of State Lands and the State Surveyor shall deem

1 necessary to carry out the purpose and intent of this subchapter.

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3 SECTION 3. Arkansas Code 15-21-205 is amended to read as follows:

4 15-21-205. State Surveyor - Generally.

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

7 (b) The State Surveyor shall:

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

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12 (2) Be appointed by and serve at the pleasure of the ~~State~~  
13 ~~Geologist~~ Commissioner of State Lands, provided the ~~State Geologist~~  
14 Commissioner of State Lands shall appoint the State Surveyor after consulting  
15 with the State Board of Registration for Professional Engineers and Land  
16 Surveyors and the Arkansas Association of Registered Land Surveyors;

17 (3) Serve until dismissed by the ~~State Geologist~~ Commissioner of  
18 State Lands;

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

21 (5) Hold no other lucrative position while serving as State  
22 Surveyor; and

23 (6) Receive such compensation as may be prescribed by law.

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25 SECTION 4. Arkansas Code 15-21-206 is amended to read as follows:

26 15-21-206. State Surveyor - Powers and duties.

27 The State Surveyor, acting under the supervision and direction and with  
28 the approval of the ~~Office of the State Geologist of the Arkansas Geological~~  
29 ~~Commission~~ Commissioner of State Lands, shall have the following authority and  
30 responsibility:

31 (1)(A) To restore, maintain, and preserve the land survey monuments,  
32 section corners, and quarter section corners established by the United States  
33 Public Land Survey within the State of Arkansas, together with all pertinent  
34 field notes, plats, and documents; and

35 (B) To restore, establish, maintain, and preserve other boundary  
36 markers as may be determined to be necessary or important in establishing and

1 *maintaining accurate land descriptions in this state;*

2 *(2)(A) To design and cause to be placed at established public land*  
3 *survey corner sites, where practical, substantial monuments permanently*  
4 *indicating with words and figures the exact location involved.*

5 *(B) If the monuments cannot be placed at the exact corner point,*  
6 *then witness corners of similar design shall be placed as near as is possible*  
7 *with words and figures indicating the bearing and distance to the true corner;*

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

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

20 *(5) To collect and preserve information obtained from surveys made by*  
21 *those authorized to establish land monuments or land boundaries and to assist*  
22 *in the proper recording of the same by the duly constituted county officials*  
23 *or other appropriate officials;*

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

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

30 *(7)(A) To prescribe reasonable rules and regulations not inconsistent*  
31 *with law designed to establish uniform professional surveying and mapping*  
32 *methods and standards in this state;*

33 *(B) To disseminate the rules and regulations to those engaged in*  
34 *the profession of land surveying; and*

35 *(C) To administer the regulations by referring evidence of*  
36 *violations to the Advisory Board to the Division of Land Surveys as provided*

1 below;

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

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

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

12 (11) To accept for the state gifts, grants, and donations from any and  
13 all persons, corporations, associations, and foundations and from the federal  
14 or state government or any agency or program thereof to be deposited ~~in the~~  
15 ~~State Treasury to the credit of the Land Surveys Fund~~ in a financial  
16 institution in this state;

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

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

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25 SECTION 5. Arkansas Code 15-21-210 is amended to read as follows:

26 15-21-210. Sale of information by division.

27 (a) The Division of Land Surveys may produce, reproduce, and sell maps,  
28 plats, and records and shall prescribe a reasonable charge therefor.

29 (b) All income derived from these sales shall be deposited in ~~the State~~  
30 ~~Treasury to the credit of the "Land Surveys Fund" which is established a~~  
31 financial institution in this state.

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33 SECTION 6. Transfer.

34 (a) Effective July 1, 2001, the Division of Land Surveys of the  
35 Arkansas Geological Commission is transferred by a Type 2 transfer as provided  
36 in Arkansas Code 25-2-105 to the Office of the Commissioner of State Lands.

1        (b) For purposes of this act, the Arkansas State Land Survey Department  
2 shall be considered a principal department established by Act 38 of 1971.

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4        SECTION 7. Other Authority.

5        All other statutory authority, powers, duties, functions, records,  
6 property and funds administered or provided by other support divisions within  
7 the Arkansas Geological Commission shall be transferred by a Type 2 transfer  
8 as provided in Arkansas Code 25-2-105 to the Office of the Commissioner of  
9 State Lands upon the effective date of the transfer.

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11        SECTION 8. The Arkansas Geological Commission and the Department of  
12 Information Systems shall grant access to and provide information determined  
13 by the Office of the Commissioner of State Lands to be necessary to  
14 successfully accomplish its mission.

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16        SECTION 9. Administrative Procedure Act.

17        The Office of the Commissioner of State Lands shall be subject to the  
18 Arkansas Administrative Procedure Act.

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20        SECTION 10. Compliance With Other Laws.

21        Disbursement of funds authorized by this act shall be limited to the  
22 appropriation for the agency being transferred and funds made available by law  
23 for the support of the appropriations; and the restrictions of the State  
24 Purchasing Law, the General Accounting and Budgetary Procedures Law, the  
25 Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act,  
26 or their successors, and other fiscal control laws of this state, where  
27 applicable, and regulations promulgated by the Department of Finance and  
28 Administration, as authorized by law, shall be strictly complied with in  
29 disbursement of the funds.

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31        SECTION 11. Legislative Intent.

32        It is the intent of the General Assembly that any funds disbursed under  
33 the authority of the appropriations transferred or referred to in this act  
34 shall be in compliance with the stated reasons for which this act was adopted,  
35 as evidenced by the agency requests, executive recommendations and legislative  
36 recommendations contained in the budget manuals prepared by the Department of

1 Finance and Administration, letters, or summarized oral testimony in the  
2 official minutes of the Arkansas Legislative Council or Joint Budget Committee  
3 which relate to its passage and adoption.

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5 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the  
6 General Assembly that the fiscal year begins July 1, and it is efficient to  
7 establish the Division of Land Surveys within the Office of the Commissioner  
8 of State Lands on the same date as the fiscal year begins. If the division  
9 were transferred at a later date, the budget for the Arkansas Geological  
10 Commission and the Office of the Commissioner of State Lands would be  
11 confusing and irreparably harmed. Therefore, an emergency is declared to  
12 exist and this act being immediately necessary for the preservation of the  
13 public peace, health and safety shall become effective on the date of its  
14 approval by the Governor. If the bill is neither approved nor vetoed by the  
15 Governor, it shall become effective on the expiration of the period of time  
16 during which the Governor may veto the bill. If the bill is vetoed by the  
17 Governor and the veto is overridden, it shall become effective on the date the  
18 last house overrides the veto.

19 /s/ Bond  
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