

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2628

4
5 By: Representatives R. Green, Pyle

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

34 (b) Effective July 1, 2008, the secretary may realign the authority,
35 powers, duties, functions, records, authorized positions, property,
36 unexpended balances of appropriations, allocations, or other funds of the



1 Division of Land Surveys of the Arkansas Agriculture Department to meet the
2 needs of the division and the department.

3

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

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

7

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

9 15-21-204. Advisory board - Duties.

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

20

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

22 15-21-205. State Surveyor - Generally.

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

25 (b) The State Surveyor shall:

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

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

36 (3) Serve until dismissed by the Commissioner of State Lands;

1 (4) Devote his or her full time to the performance of his or her
2 official functions and duties as prescribed in this subchapter;

3 (5) Hold no other lucrative position while serving as State
4 Surveyor; and

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

7 SECTION 5. Arkansas Code § 15-21-206 is amended to read as follows:
8 15-21-206. State Surveyor - Powers and duties.

9 The State Surveyor, acting under the supervision and direction and with
10 the approval of the ~~Commissioner of State Lands~~ Secretary of the Arkansas
11 Agriculture Department, shall have the following authority and
12 responsibility:

13 (1) To:

14 (A) Restore, maintain, and preserve the land survey
15 monuments, section corners, and quarter section corners established by the
16 United States Public Land Survey within the State of Arkansas, together with
17 all pertinent field notes, plats, and documents; and

18 (B) Restore, establish, maintain, and preserve other
19 boundary markers as may be determined to be necessary or important in
20 establishing and maintaining accurate land descriptions in this state;

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

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

28 (3) To establish, maintain, and provide safe storage facilities
29 for a comprehensive system of recordation of information respecting all
30 monuments established by the United States Public Land Survey within this
31 state and any records as may be pertinent to the Division of Land Survey's
32 establishment or maintenance of other land corners, Arkansas coordinate
33 system stations and accessories, and monuments in general;

34 (4) To extend throughout the state a triangulation and leveling
35 net of precision whereby the Arkansas Coordinate System 1983, § 15-21-301 et
36 seq., already initiated in this state by the United States National Geodetic

1 Survey may be made to cover to the necessary extent those areas of the state
 2 that do not now have enough geodetic control stations to permit the general
 3 use of the system by land surveyors and others;

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

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

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

14 (7) To:

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

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

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

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

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

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

32 (11) To accept for the state gifts, grants, and donations from
 33 any and all persons, corporations, associations, and foundations and from the
 34 federal or state government or any agency or program thereof to be deposited
 35 in a financial institution in this state;

36 (12) To enter into such agreements or contracts with agencies of

1 the United States Government, agencies of the State of Arkansas, other
2 states, and registered land surveyors as he or she deems necessary or
3 desirable to properly plan and execute projects within the scope and purpose
4 of this subchapter; and

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

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

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