

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
4

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

A Bill

HOUSE BILL 2628

5 By: Representatives R. Green, Pyle
6 By: Senator J. Taylor
7
8

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

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.
19
20
21

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

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
36 continuation of necessary procedures, and to provide for a smooth transition



1 to the Department of Agriculture, the Secretary of the Arkansas Agriculture
2 Department may not realign the functions and records of the Division of Land
3 Surveys of the Arkansas Agriculture Department before July 1, 2008.

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~~ Arkansas Society of
36 Professional Surveyors;

- 1 ~~(3)~~ ~~Serve until dismissed by the Commissioner of State Lands;~~
- 2 ~~(4)~~(3) Devote his or her full time to the performance of his or
- 3 her official functions and duties as prescribed in this subchapter;
- 4 ~~(5)~~(4) Hold no other lucrative position while serving as State
- 5 Surveyor; and
- 6 ~~(6)~~(5) Receive such compensation as may be prescribed by law.

7

8 SECTION 5. Arkansas Code § 15-21-206 is amended to read as follows:

9 15-21-206. State Surveyor - Powers and duties.

10 The State Surveyor, acting under the supervision and direction and with

11 the approval of the ~~Commissioner of State Lands~~ Secretary of the Arkansas

12 Agriculture Department, shall have the following authority and

13 responsibility:

14 (1) To:

15 (A) Restore, maintain, and preserve the land survey

16 monuments, section corners, and quarter section corners established by the

17 United States Public Land Survey within the State of Arkansas, together with

18 all pertinent field notes, plats, and documents; and

19 (B) Restore, establish, maintain, and preserve other

20 boundary markers as may be determined to be necessary or important in

21 establishing and maintaining accurate land descriptions in this state;

22 (2)(A) To design and cause to be placed at established public

23 land survey corner sites, where practical, substantial monuments permanently

24 indicating with words and figures the exact location involved.

25 (B) If the monuments cannot be placed at the exact corner

26 point, then witness corners of similar design shall be placed as near as is

27 possible with words and figures indicating the bearing and distance to the

28 true corner;

29 (3) To establish, maintain, and provide safe storage facilities

30 for a comprehensive system of recordation of information respecting all

31 monuments established by the United States Public Land Survey within this

32 state and any records as may be pertinent to the Division of Land Survey's

33 establishment or maintenance of other land corners, Arkansas coordinate

34 system stations and accessories, and monuments in general;

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

36 net of precision whereby the Arkansas Coordinate System 1983, § 15-21-301 et

1 seq., already initiated in this state by the United States National Geodetic
2 Survey may be made to cover to the necessary extent those areas of the state
3 that do not now have enough geodetic control stations to permit the general
4 use of the system by land surveyors and others;

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

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

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

15 (7) To:

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

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

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

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

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

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

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

