



# ARKANSAS SOCIETY OF PROFESSIONAL SURVEYORS

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An Affiliate of  
American  
Congress on  
Surveying and  
Mapping

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June 3, 2015

Shelby D. Johnson  
Geographic Information Officer  
Arkansas GIS Office  
1 Capitol Mall Ste 6D  
Little Rock, AR 72201

Dear Mr. Johnson,

We are writing in regard to HB1001 that was recently passed by the Arkansas Legislature relocating the Division of Land Survey to the Arkansas GIS Department.

We were unaware that this new legislation was being considered until after it had been drafted and was being submitted to the House and Senate to be passed into law. There was not much time to review the language of the bill and we had no opportunity to recommend revisions before it was passed.

This bill has caused some concern with surveyors of the state, the Board members of ASPSP, as well as the National Society of Professional Surveyors Executive Committee who view this as setting a potentially dangerous precedent.

The purpose for the registration of professional surveyors is to safeguard the life, health, or property of the public. One of the primary issues we've identified is the placing of the administration of surveying activities under the jurisdiction of an entity within the state government wherein that entity has the authority to operate in regard to surveying matters without having a licensed professional surveyor involved. The potential for such action is especially demonstrated by the language in Section 137 of the bill, and in Section 143.

The wording in Section 137 (c) is troubling in that it gives to the Arkansas Geographic Information System Office, "*all powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications*". The awarding of such powers presents the opportunity to undermine the actions typically reserved for the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors. Similarly, Section 143 (a) states that "the Arkansas Geographic

Information Systems Board **may** employ a State Surveyor to be the head of the Division of Land Surveys". Prior to passage of HB1001, Section 143 required that the State Surveyor supervise the activities of the Division of Land Surveys. The qualifications for a State Surveyor include that the person be "a registered professional surveyor". The option provided by HB1001 (Section 143) allows the Arkansas GIS Board not to employ a State Surveyor, opening the door for an individual who is not a registered professional surveyor to undertake the activities currently designated to the State Surveyor.

This bill potentially hands over all duties of the State Land Surveyor to an AGIS Board with no professional surveyors on it; duties that include administration of the GLO Remonumentation Program, setting minimum standards for professional surveyors, enforcing those minimum standards, and investigating complaints filed against professional surveyors. These tasks must remain under the authority of a licensed land surveyor and we feel strongly that the position of the State Land Surveyor should be an autonomous position in the AGIS Office to carry out these duties.

The State Land Surveyor and the Land Survey Advisory Board should not be subordinate to the AGIS Board, they should report to the same authority that the AGIS Board reports to.

We feel that it is important that the AGIS Board include licensed land surveyors in its makeup, and that the AGIS Advisory Panel include them as well. With our division now falling under the AGIS Department, this would allow the surveying community an opportunity to work with and have input into the administration of the department, and offer advice on surveying related matters that may come up.

At this time, ASPS plans to form a committee that will work closely with the Land Survey Advisory Board and the State Land Surveyor to create a draft revision that would then be submitted to the AGIS Board for review and implementation.

Land surveying and GIS are both admirable and honorable professions and we can strengthen one another by existing within the same department. The AGIS office has historically worked well with the State Land Surveyor and with ASPS. Our hope is to iron out the fine points of how to co-exist so we can mutually benefit from the reorganization.

Sincerely,

ASPS Board of Directors

cc: Office of the Governor  
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