

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 650
97TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, May 8, 2013, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1695S.02C

AN ACT

To repeal sections 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 256.117, 261.023, 640.010, and 640.075, RSMo, and to enact in lieu thereof twenty-four new sections relating to the land survey program, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 256.117, 261.023, 640.010, and 640.075, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 256.117, 261.023, 640.010, and 640.075, to read as follows:

59.319. 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 operation of the recorder's office without the express consent of the recorder. The
13 recorder's fund may be audited by the appropriate auditing agency, and any
14 unexpended balance shall be left in the fund to accumulate from year to year with
15 interest.

16 2. An additional fee of three dollars shall be charged and collected by
17 every recorder in this state, over and above any other fees required by law, as a
18 condition precedent to the recording of any instruments specified in subdivisions
19 (1) and (2) of section 59.330. The fees collected from this additional three dollars
20 per recorded instrument shall be forwarded monthly by each recorder of deeds to
21 the state director of revenue, and the fees so forwarded shall be deposited by the
22 director in the state treasury.

23 3. The state treasurer and the commissioner of administration shall
24 establish an appropriate account within the state treasury and in accordance with
25 the state's accounting methods. Any receipt required by this section to be
26 deposited in the state treasury shall be credited as follows:

27 (1) The amount of one dollar for each fee collected under subsection 1 of
28 this section shall be paid to the state treasurer and credited to the "Missouri
29 Land Survey Fund" which is hereby created to be utilized for the purposes of
30 sections 60.510 to 60.620 and section 60.670. The state treasurer shall be
31 custodian of the fund and may approve disbursements from the fund in
32 accordance with sections 30.170 and 30.180. Any funds previously collected by
33 the state treasurer to be utilized for the purposes of sections 60.510 to 60.620 and
34 section 60.670 shall transfer to the Missouri land survey fund. Any portion of the
35 fund not immediately needed for the purposes authorized shall be invested by the
36 state treasurer as provided by the constitution and laws of this state. All income,
37 interest, and moneys earned from such investments shall be deposited in the
38 Missouri land survey fund. Any unexpended balance in the fund at the end of the
39 fiscal year is exempt from the provisions of section 33.080 relating to the transfer
40 of unexpended balances to the general revenue fund;

41 (2) The amount of one dollar for each fee collected under subsection 1 of
42 this section to an account to be utilized by the secretary of state for additional
43 preservation of local records; and

44 (3) The amount of three dollars collected under subsection 2 of this section
45 into the Missouri housing trust fund as designated in section 215.034.

60.185. The county surveyor of every county or city shall:

2 (1) Keep a fair and correct record of all surveys made by himself and his

3 deputies, in a well-bound book, with a convenient index, to be procured at the
4 expense of the county or city for that purpose, which books and indexes shall be
5 the property of such county or city, and shall be known as the county surveyor's
6 plat book, and every such surveyor shall record in such book a plat of all surveys
7 executed by him or his deputies, within two weeks after the plat of survey has
8 been certified to, and such books shall be kept at the county seat or city hall and
9 subject to inspection by any person interested therein, under the supervision of
10 the county surveyor for such county or city;

11 (2) Number his surveys progressively;

12 (3) Deliver a copy of any plat of survey to any person requiring such a
13 copy, on payment of an amount equal to the fees allowed to the recorder of deeds
14 for such a document, so long as such records shall remain in his possession, and
15 after such record shall have been deposited in the office of the recorder of deeds,
16 the recorder shall, on the request of anyone and on payment of his fees for such
17 service, deliver to such person a duly certified copy of such records under the seal
18 of his office, which shall be accepted as evidence, to all intents and purposes, as
19 the originals themselves;

20 (4) Maintain a copy of corner restoration documents as required in section
21 60.321 when provided by the Missouri department of [natural resources]
22 **agriculture**, and subject to inspection and copying by any person interested
23 therein during the normal office hours of the county on payment of the fees
24 allowed to the recorder for similar documents.

60.195. The several county commissions in this state are hereby
2 authorized, in all cases wherein they shall consider it to be the interest of their
3 counties, to obtain from the Missouri department of [natural resources]
4 **agriculture** a certified copy of so much of the field notes of all surveys lying
5 within their counties, respectively, which have been and may be made by the
6 United States, as relates to the description of the township, section, fractional
7 section, quarter section and legal subdivisional corners, the variation of the
8 needle at which the east and west boundaries of township or range lines were
9 run, the length of the north and south, as well as east and west sectional lines;
10 also, the fallings of all east and west township and sectional lines the same to be
11 filed in the office of the county surveyor of their counties, respectively.

60.301. Whenever the following words and terms are used in this chapter
2 they shall have the following meaning unless the context clearly indicates that
3 a different meaning is intended:

4 (1) "Corners of the United States public land survey", those points that
5 determine the boundaries of the various subdivisions represented on the official
6 plat such as the township corner, the section corner, the quarter-section corner,
7 grant corner and meander corner;

8 (2) "Existent corner", a corner whose position can be identified by
9 verifying the evidence of the original monument or its accessories, or by some
10 physical evidence described in the field notes, or located by an acceptable
11 supplemental survey record or some physical evidence thereof, or by
12 testimony. The physical evidence of a corner may have been entirely obliterated
13 but the corner will be considered existent if its position can be recovered through
14 the testimony of one or more witnesses who have a dependable knowledge of the
15 original location. A legally reestablished corner shall have the same status as an
16 existent corner;

17 (3) "Lost corner", a corner whose position cannot be determined, beyond
18 reasonable doubt, either from traces of the original marks or from acceptable
19 evidence or testimony that bears upon the original position;

20 (4) "Monument", the physical object which marks the corner point
21 determined by the surveying process. The accessories, such as bearing trees,
22 bearing objects, reference monuments, mounds of stone and other similar objects
23 that aid in identifying the corner position, are also considered a part of a corner
24 monument;

25 (5) "Obliterated, decayed or destroyed corner", an existent corner at whose
26 point there are no remaining traces of the original monument or its accessories,
27 but whose location has been perpetuated by subsequent surveys, or the point may
28 be recovered beyond reasonable doubt by the acts and testimony of local
29 residents, competent surveyors, other qualified local authorities or witnesses, or
30 by some acceptable record evidence. A position that depends upon the use of
31 collateral evidence can be accepted only if duly supported, generally through
32 proper relation to known corners, and agreement with the field notes regarding
33 distances to natural objects, stream crossings, line trees, etc., or unquestionable
34 testimony;

35 (6) "Original government survey", that survey executed under the
36 authority of the United States government as recorded on the official plats and
37 field notes of the United States public land survey maintained by the Missouri
38 department of [natural resources] **agriculture**;

39 (7) "Proportionate measurement", a measurement of a line that gives

40 equal relative weight to all parts of the line. The excess or deficiency between
41 two existent corners is so distributed that the amount of excess or deficiency
42 given to each interval bears the same proportion to the whole difference as the
43 record length of the interval bears to the whole record distance:

44 (a) "Single proportionate measurement", a measurement of a line applied
45 to a new measurement made between known points on a line to determine one or
46 more positions on that line;

47 (b) "Double proportionate measurement", a measurement applied to a new
48 measurement made between four known corners, two each on intersecting
49 meridional and latitudinal lines, for the purpose of relating the intersection to
50 both. The procedure is described as follows: First, measurements will be made
51 between the nearest existent corners north and south of the lost corner. A
52 temporary point will be determined to locate the latitude of the lost corner on the
53 straight line connecting the existent corners and at the proper proportionate
54 distance. Second, measurements will be made between the nearest existent
55 corners east and west of the lost corner. A temporary point will be determined
56 to locate the longitude of the lost corner on the straight line connecting the
57 existent corners and at the proportionate distance. Third, determine the location
58 of the lost corner at the intersection of an east-west line through the point
59 determining the latitude of the lost corner with a north-south line through the
60 point determining the longitude of the lost corner. When the total length of the
61 line between the nearest existing corners was not measured in the original
62 government survey, the record distance from one existing corner to the lost corner
63 will be used instead of the proportionate distance. This exception will apply to
64 either or both of the east-west or north-south lines;

65 (8) "Record distance", the distance or length as shown on the original
66 government survey. In determining record distances, consideration shall be given
67 as to whether the distance was measured on a random or true line.

60.321. For the purpose of perpetuating the corners of the United States
2 public land survey, every surveyor who reestablishes a lost corner or restores an
3 existent corner shall monument the corner and shall file an instrument showing
4 such reestablishment or restoration with the Missouri department of [natural
5 resources] **agriculture**, in accordance with the specifications and procedures
6 adopted by the Missouri department of [natural resources] **agriculture**. Any
7 surveyor who willfully and knowingly fails to perpetuate corners in accordance
8 with this section is guilty of misconduct in the practice of land surveying.

60.451. 1. For the purpose of more precisely defining the Missouri
2 coordinate system of 1927, the following definition by the United States Coast
3 and Geodetic Survey is adopted:

4 (1) The Missouri coordinate system of 1927, east zone, is a transverse
5 Mercator projection of the Clarke spheroid of 1866, having a central meridian 90
6 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at
7 one part in fifteen thousand too small. The origin of coordinates is at the
8 intersection of the meridian 90 degrees -- 30 minutes west of Greenwich and the
9 parallel 35 degrees -- 50 minutes north latitude. This origin is given the
10 coordinates: $x = 500,000$ feet and $y = 0$ feet;

11 (2) The Missouri coordinate system of 1927, central zone, is a transverse
12 Mercator projection of the Clarke spheroid of 1866, having a central meridian 92
13 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at
14 one part in fifteen thousand too small. The origin of coordinates is at the
15 intersection of the meridian 92 degrees -- 30 minutes west of Greenwich and the
16 parallel of 35 degrees -- 50 minutes north latitude. This origin is given the
17 coordinates: $x = 500,000$ feet and $y = 0$ feet;

18 (3) The Missouri coordinate system of 1927, west zone, is a transverse
19 Mercator projection of the Clarke spheroid of 1866, having a central meridian 94
20 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at
21 one part in seventeen thousand too small. The origin of coordinates is at the
22 intersection of the meridian 94 degrees -- 30 minutes west of Greenwich and the
23 parallel 36 degrees -- 10 minutes north latitude. This origin is given the
24 coordinates: $x = 500,000$ feet and $y = 0$ feet.

25 2. For purposes of more precisely defining the Missouri coordinate system
26 of 1983, the following definition by the National Ocean Survey/National Geodetic
27 Survey is adopted:

28 (1) The Missouri coordinate system 1983, east zone, is a transverse
29 Mercator projection of the North American Datum of 1983 having a central
30 meridian 90 degrees -- 30 minutes west of Greenwich, on which meridian the
31 scale is set at one part in fifteen thousand too small. The origin of coordinates
32 is at the intersection of the meridian 90 degrees -- 30 minutes west of Greenwich
33 and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the
34 coordinates: $x = 250,000$ meters and $y = 0$ meters;

35 (2) The Missouri coordinate system 1983, central zone, is a transverse
36 Mercator projection of the North American Datum of 1983 having a central

37 meridian 92 degrees -- 30 minutes west of Greenwich, on which meridian the
38 scale is set at one part in fifteen thousand too small. The origin of coordinates
39 is at the intersection of the meridian 92 degrees -- 30 minutes west of Greenwich
40 and the parallel of 35 degrees -- 50 minutes north latitude. This origin is given
41 the coordinates: $x = 500,000$ meters and $y = 0$ meters;

42 (3) The Missouri coordinate system 1983, west zone, is a transverse
43 Mercator projection of the North American Datum of 1983 having a central
44 meridian 94 degrees -- 30 minutes west of Greenwich, on which meridian the
45 scale is set at one part in seventeen thousand too small. The origin of coordinates
46 is at the intersection of the meridian 94 degrees -- 30 minutes west of Greenwich
47 and the parallel 36 degrees -- 10 minutes north latitude. This origin is given the
48 coordinates: $x = 850,000$ meters and $y = 0$ meters.

49 3. The position of either Missouri coordinate system shall be as marked
50 on the ground by horizontal control stations established in conformity with the
51 standards adopted by the department of [natural resources] **agriculture** for
52 first-order and second-order work, whose geodetic positions have been rigidly
53 adjusted on the appropriate datum and whose coordinates have been computed
54 on the system defined in this section. Any such station may be used for
55 establishing a survey connection with the Missouri coordinate system.

60.510. The functions, duties and responsibilities of the department of
2 [natural resources] **agriculture** shall be as follows:

3 (1) To restore, maintain, and preserve the land survey monuments, section
4 corners, and quarter section corners established by the United States public land
5 survey within Missouri, together with all pertinent field notes, plats and
6 documents; and also to restore, establish, maintain, and preserve Missouri state
7 and county boundary markers and other boundary markers considered by the
8 department of [natural resources] **agriculture** to be of importance, or otherwise
9 established by law;

10 (2) To design and cause to be placed at established public land survey
11 corner sites, where practical, substantial monuments permanently indicating,
12 with words and figures, the exact location involved, but if such monuments
13 cannot be placed at the exact corner point, then witness corners of similar design
14 shall be placed as near by as possible, with words and figures indicating the
15 bearing and distance to the true corner;

16 (3) To establish, maintain, and provide safe storage facilities for a
17 comprehensive system of recordation of information respecting all monuments

18 established by the United States public land survey within this state, and such
19 records as may be pertinent to the department of [natural resources]
20 **agriculture's** establishment or maintenance of other land corners, Missouri state
21 coordinate system stations and accessories, and survey monuments in general;

22 (4) To provide the framework for all geodetic positioning activities in the
23 state. The foundational elements include latitude, longitude, and elevation which
24 contribute to informed decision making and impact on a wide range of important
25 activities including mapping and geographic information systems, flood risk
26 determination, transportation, land use and ecosystem management and use of
27 the Missouri state coordinate system, as established by sections 60.401 to 60.491;

28 (5) To collect and preserve information obtained from surveys made by
29 those authorized to establish land monuments or land boundaries, and to assist
30 in the proper recording of the same by the duly constituted county officials, or
31 otherwise;

32 (6) To furnish, upon reasonable request and tender of the required fees
33 therefor, certified copies of records created or maintained by the department of
34 [natural resources] **agriculture** which, when certified by the state land surveyor
35 or a designated assistant, shall be admissible in evidence in any court in this
36 state, as the original record; and

37 (7) To prescribe, and disseminate to those engaged in the business of land
38 surveying, regulations designed to assist in uniform and professional surveying
39 methods and standards in this state.

60.530. The state land surveyor shall, under guidance of the department
2 of [natural resources] **agriculture** and with the recommendation of the land
3 survey commission, carry out the routine functions and duties of the department
4 of [natural resources] **agriculture**, as prescribed in sections 60.510 to 60.620
5 and section 60.670. He or she shall, whenever practical, cause all land surveys,
6 except geodetic surveys, to be executed, under his or her direction by the
7 registered county surveyor or a local registered land surveyor when no registered
8 county surveyor exists. He or she shall perform such other work and acts as
9 shall, in the judgment of the department of [natural resources] **agriculture** and
10 with the recommendation of the land survey commission, be necessary and proper
11 to carry out the objectives of sections 60.510 to 60.620 and section 60.670 and,
12 within the limits of appropriations made therefor and subject to the approval of
13 the department of [natural resources] **agriculture** and the state merit system,
14 employ and fix the compensation of such additional employees as may be

15 necessary to carry out the provisions of sections 60.510 to 60.620 and section
16 60.670.

60.540. The department of [natural resources] **agriculture** may acquire,
2 in the name of the state of Missouri, lands or interests therein, where necessary,
3 to establish permanent control stations; and may lease or purchase or acquire by
4 negotiation or condemnation, where necessary, land for the establishment of an
5 office of the land survey program of the department of [natural resources]
6 **agriculture**. If condemnation is necessary, the attorney general shall bring the
7 suit in the name of the state in the same manner as authorized by law for the
8 acquisition of lands by the state transportation department.

60.550. The custody and ownership of the original United States public
2 land survey corners and accessories, including all restoration and replacements
3 thereof and all accessories, belonging to the state of Missouri is hereby
4 transferred to the department of [natural resources] **agriculture**. The
5 department of [natural resources] **agriculture** shall see that the markers are
6 maintained, and the alteration, removal, disfiguration or destruction of any of the
7 corners or accessories, without specific permission of the department of [natural
8 resources] **agriculture**, is an act of destruction of state property and is a
9 misdemeanor. Any person convicted thereof shall be punished as provided by
10 law. Each of the several prosecuting attorneys is specifically directed to
11 prosecute for the violation of this section for any act of destruction which occurs
12 in his county.

60.560. Upon their request, the state attorney general shall advise the
2 land survey commission or the department of [natural resources] **agriculture**
3 or the state land surveyor with respect to any legal matter, and shall represent
4 the land survey commission or department of [natural resources] **agriculture**
5 in any proceeding in any court of the state in which the land survey commission
6 or land survey program shall be a party.

60.570. 1. The permanent headquarters of the land survey program shall
2 be at or near to the principal office of the Missouri state geological survey. [Until
3 such time as other headquarters can be obtained by the land survey program, the
4 state geologist shall assign such space in the state geological survey building as
5 may be available.] **If the land survey program headquarters are located
6 in any building owned by a state agency or department, the land survey
7 program shall not be liable to that agency or department for rent or
8 any other costs associated with the office space.** The land survey program

9 may also establish and maintain regional offices in the metropolitan areas of the
10 state for the storage and distribution of local survey record information.

11 **2. The building that occupies the permanent headquarters of the**
12 **land survey program shall be named and referred to as the "Robert E.**
13 **Myers Building".**

60.580. The state land surveyor or any and all employees of the
2 department of [natural resources] **agriculture** have the right to enter upon
3 private property for the purpose of making surveys, or for searching for, locating,
4 relocating, or remonumenting land monuments, leveling stations, or section
5 corners. Should any of these persons necessarily damage property of the owner
6 in making the surveys or searches or remonumentations, the department of
7 [natural resources] **agriculture** may make reasonable payment for the damage
8 from funds available for that purpose. However, department of [natural
9 resources] **agriculture** employees are personally liable for any damage caused
10 by their wantonness, willfulness or negligence. All department of [natural
11 resources] **agriculture** employees are immune from arrest for trespass in
12 performing their legal duties as stated in sections 60.510 to 60.620 and section
13 60.670.

60.590. 1. On request of the department of [natural resources]
2 **agriculture** or the state land surveyor, all city and county recorders of deeds,
3 together with all departments, boards or agencies of state government, county, or
4 city government, shall furnish to the department of [natural resources]
5 **agriculture** or the state land surveyor certified copies of desired records which
6 are in their custody. This service shall be free of cost when possible; otherwise,
7 it shall be at actual cost of reproduction of the records. On the same basis of cost,
8 the department of [natural resources] **agriculture** shall furnish records within
9 its custody to other agencies or departments of state, county or city, certifying
10 them.

11 2. The department of [natural resources] **agriculture** may produce,
12 reproduce and sell maps, plats, reports, studies, and records, and the commission
13 shall recommend to the department of [natural resources] **agriculture** the
14 charges therefor. All income received shall be promptly deposited in the state
15 treasury to the credit of the department of [natural resources] **agriculture**
16 document services fund.

60.595. 1. The "Department of [Natural Resources] **Agriculture**
2 Revolving Services Fund" is hereby created. All funds received by the department

3 of [natural resources] **agriculture** from the delivery of services and the sale or
4 resale of maps, plats, reports, studies, records and other publications and
5 documents and surveying information, on paper or in electronic format, by the
6 department shall be credited to the fund. The director of the department shall
7 administer the fund. The state treasurer is the custodian of the fund and shall
8 approve disbursements from the fund requested by the director of the
9 department. When appropriated, moneys in the fund shall be used to purchase
10 goods, equipment, hardware and software, maintenance and licenses, software
11 and database development and maintenance, personal services, and other services
12 that will ultimately be used to provide copies of information maintained or
13 provided by the land survey program, reprint maps, publications or other
14 documents requested by governmental agencies or members of the general public;
15 to publish the maps, publications or other documents or to purchase maps,
16 publications or other documents for resale; and to pay shipping charges,
17 laboratory services, core library fees, workshop fees, conference fees,
18 interdivisional cooperative agreements, but for no other purpose.

19 2. An unencumbered balance in the fund at the end of the fiscal year not
20 exceeding one million dollars is exempt from the provisions of section 33.080
21 relating to the transfer of unexpended balances to the general revenue fund.

22 3. The department of [natural resources] **agriculture** shall report all
23 income to and expenditures from such fund on a quarterly basis to the house
24 budget committee and the senate appropriations committee.

60.600. Every employee of the department of [natural resources]
2 **agriculture** who is engaged in work required by law to be done by a registered
3 land surveyor will be so registered. No employee of the department of [natural
4 resources] **agriculture** shall engage in private land surveying or consultation
5 while employed by the department of [natural resources] **agriculture**.

60.610. Whenever the department of [natural resources] **agriculture**
2 deems it expedient, and when funds appropriated permit, the department of
3 [natural resources] **agriculture** may enter into any contract with agencies of the
4 United States, with agencies of other states, or with private persons, registered
5 land surveyors or professional engineers, in order to plan and execute desired
6 land surveys or geodetic surveys, or to plan and execute other projects which are
7 within the scope and purpose of sections 60.510 to 60.620 and section 60.670.

60.620. 1. There is hereby created the "Land Survey Commission", within
2 the department of [natural resources] **agriculture**. The commission shall

3 consist of seven members, six of whom shall be appointed by the
4 governor. Members shall reside in this state. Members of the commission shall
5 hold office for terms of three years, but of the original appointments, two
6 members shall serve for one year, two members shall serve for two years, and two
7 members shall serve for three years. Members may serve only three consecutive
8 terms on the commission.

9 2. The land survey commission shall consist of the following persons:

10 (1) Four members who shall be registered land surveyors, one of which
11 shall be a county surveyor;

12 (2) One member who shall represent the real estate or land title industry;

13 (3) One member who shall represent the public and have an interest in
14 and knowledge of land surveying; and

15 (4) The director of the department of [natural resources] **agriculture** or
16 his or her designee.

17 The members in subdivisions (1) to (3) of this subsection shall be appointed by the
18 governor with advice and consent of the senate and each shall serve until his or
19 her successor is duly appointed.

20 3. The land survey commission shall elect a chairman annually. The
21 commission shall meet semiannually and at other such times as called by the
22 chairman of the commission and shall have a quorum when at least four members
23 are present.

24 4. The land survey commission members shall serve without compensation
25 but shall be reimbursed for actual and necessary expenses incurred in the
26 performance of their official duties.

27 5. The land survey commission shall provide the director of the
28 department of [natural resources] **agriculture** and the state land surveyor with
29 recommendations on the operation and the planning and prioritization of the land
30 survey program and the design of regulations needed to carry out the functions,
31 duties, and responsibilities of the department of [natural resources] **agriculture**
32 in sections 60.510 to 60.620 and section 60.670.

33 6. The land survey commission shall recommend to the department of
34 [natural resources] **agriculture**:

35 (1) A person to be selected and appointed state land surveyor, who shall
36 be the chief administrative officer of the land survey program. The state land
37 surveyor shall be selected under the state merit system on the basis of
38 professional experience and registration;

39 (2) Prioritization and execution of projects which are within the scope and
40 purpose of sections 60.510 to 60.620 and section 60.670;

41 (3) Prioritization and selection of public land survey corner monuments
42 to be reestablished through the county cooperative contracts in accordance with
43 sections 8.285 to 8.291; and

44 (4) Approval of all other contracts for the planning and execution of
45 projects which are within the scope and purpose of sections 60.510 to 60.620 and
46 section 60.670 and in accordance with sections 8.285 to 8.291.

47 7. The commission shall, at least annually, prepare a report, which shall
48 be available to the general public, of the review by the commission of the land
49 survey program, stating its findings, conclusions, and recommendations to the
50 director.

51 8. By December 1, 2013, the commission shall provide a report to the
52 department of [natural resources] **agriculture** and general assembly that
53 recommends the appropriate administrative or overhead cost rate that will be
54 charged to the program, where such cost rate shall include all indirect services
55 provided by the division of geology and land survey, department of [natural
56 resources] **agriculture**, and office of administration.

60.653. 1. It shall be the duty of the recorder of deeds to maintain a copy
2 of all survey plats delivered to his custody in an appropriate file medium capable
3 of reproduction.

4 2. Survey plats shall be placed in the plat books or such other record
5 books as have been previously established.

6 3. A duplicate of the recorded survey plat shall be provided to the land
7 survey division of the department of [natural resources] **agriculture** at an
8 amount not to exceed the actual cost of the duplicate.

9 4. The recorder shall maintain an index of all survey plats, subdivision
10 plats, and condominium plats by section, township, and range and by subdivision
11 or condominium name.

12 5. Copies of survey plats shall be evidence in all courts of justice when
13 properly certified under the hand and official seal of the recorder.

60.670. 1. As used in this section, the following terms shall mean:

2 (1) "Cadastral parcel mapping", an accurately delineated identification of
3 all real property parcels. The cadastral map is based upon the USPLSS. For
4 cadastral parcel maps the position of the legal framework is derived from the
5 USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds,

6 recorded surveys, and recorded subdivision plats;

7 (2) "Digital cadastral parcel mapping", encompasses the concepts of
8 automated mapping, graphic display and output, data analysis, and database
9 management as pertains to cadastral parcel mapping. Digital cadastral parcel
10 mapping systems consist of hardware, software, data, people, organizations, and
11 institutional arrangements for collecting, storing, analyzing, and disseminating
12 information about the location and areas of parcels and the USPLSS;

13 (3) "USPLSS" or "United States Public Land Survey System", a survey
14 executed under the authority of the United States government as recorded on the
15 official plats and field notes of the United States public land survey maintained
16 by the land survey program of the department of [natural resources]
17 **agriculture**;

18 (4) "Tax map", a document or map for taxation purposes representing the
19 location, dimensions, and other relevant information pertaining to a parcel of
20 land subject to property taxes.

21 2. The office of the state land surveyor established within the department
22 of [natural resources] **agriculture** shall promulgate rules and regulations
23 establishing minimum standards for digital cadastral parcel mapping. Any rule
24 or portion of a rule, as that term is defined in section 536.010, that is created
25 under the authority delegated in this section shall become effective only if it
26 complies with and is subject to all of the provisions of chapter 536 and, if
27 applicable, section 536.028. This section and chapter 536 are nonseverable and
28 if any of the powers vested with the general assembly pursuant to chapter 536 to
29 review, to delay the effective date, or to disapprove and annul a rule are
30 subsequently held unconstitutional, then the grant of rulemaking authority and
31 any rule proposed or adopted after August 28, 2010, shall be invalid and void.

32 3. Any map designed and used to reflect legal property descriptions or
33 boundaries for use in a digital cadastral mapping system shall comply with the
34 rules promulgated under this section, unless the party requesting the map
35 specifies otherwise in writing, the map was designed and in use prior to the
36 promulgation of the rules, or the parties requesting and designing the map have
37 already agreed to the terms of their contract on the effective date of the rules
38 promulgation.

256.117. 1. Funds from department of [natural resources document
2 services] **agriculture revolving services** fund created in section 60.595 may
3 be used to purchase, acquire and copy maps described in sections 256.112 to

4 256.117, as well as all services necessary for the operation of the map repository.

5 2. All funds from the sale of maps and products from the mine map
6 repository shall be deposited in the department of [natural resources document
7 services] **agriculture revolving services** fund created in section 60.595.

261.023. 1. There is hereby created a department of agriculture to be
2 headed by a director of the department of agriculture to be appointed by the
3 governor, by and with the advice and consent of the senate. The director shall
4 possess the qualifications presently provided by law for the position of
5 commissioner of agriculture.

6 2. All powers, duties and functions now vested by law to the commissioner
7 of the department of agriculture and the department of agriculture, chapter 261
8 and others, are transferred by type I transfer to the director of the department
9 of agriculture and to the department of agriculture herein created.

10 3. The state horticultural society created by sections 262.010 and 262.020
11 is transferred by type I transfer to the department of agriculture.

12 4. All the powers, duties, and functions vested in the state milk board,
13 chapter 196, are transferred to the department of agriculture by type III
14 transfer. The appointed members of the board shall be nominated by the
15 department director, and appointed by the governor with the advice and consent
16 of the senate. The department of health and senior services shall retain the
17 powers, duties and functions assigned by chapter 196.

18 5. All the powers, duties, functions and properties of the state fruit
19 experiment station, chapter 262, are transferred by type I transfer to the
20 Southwest Missouri State University and fruit experiment station board of
21 trustees is abolished.

22 6. All the powers, duties and functions of the department of revenue
23 relating to the inspection of motor fuel and special fuel distributors, chapters 323
24 and 414, are transferred by type I transfer to the department of agriculture and
25 to the director of that department. The collection of the taxes provided in
26 chapters 142 and 136, however, shall be made by the department of revenue.

27 **7. All the powers, duties, and functions of the land survey**
28 **program of the department of natural resources are transferred to the**
29 **department of agriculture by type I transfer.**

640.010. 1. There is hereby created a department of natural resources in
2 charge of a director appointed by the governor, by and with the advice and
3 consent of the senate. The director shall administer the programs assigned to the

4 department relating to environmental control and the conservation and
5 management of natural resources. The director shall coordinate and supervise
6 all staff and other personnel assigned to the department. He shall faithfully
7 cause to be executed all policies established by the boards and commissions
8 assigned to the department, be subject to their decisions as to all substantive and
9 procedural rules and his decisions shall be subject to appeal to the board or
10 commission on request of the board or commission or by affected parties. The
11 director shall recommend policies to the various boards and commissions assigned
12 to the department to achieve effective and coordinated environmental control and
13 natural resource conservation policies.

14 2. The director shall appoint directors of staff to service each of the policy
15 making boards or commissions assigned to the department. Each director of staff
16 shall be qualified by education, training and experience in the technical matters
17 of the board to which he is assigned and his appointment shall be approved by
18 the board to which he is assigned and he shall be removed or reassigned on their
19 request in writing to the director of the department. All other employees of the
20 department and of each board and commission assigned to the department shall
21 be appointed by the director of the department in accord with chapter 36, and
22 shall be assigned and may be reassigned as required by the director of the
23 department in such a manner as to provide optimum service, efficiency and
24 economy.

25 3. The air conservation commission, chapter 203 and others, the clean
26 water commission, chapter 204 and others, are transferred by type II transfer to
27 the department of natural resources. The governor shall appoint the members of
28 these bodies in accord with the laws establishing them, with the advice and
29 consent of the senate. The bodies hereby transferred shall retain all rulemaking
30 and hearing powers allotted by law, as well as those of any bodies transferred to
31 their jurisdiction. All the powers, duties and functions of the state environmental
32 improvement authority, chapter 260 and others, are transferred by type III
33 transfer to the air conservation commission. All the powers, duties and functions
34 of the water resources board, chapter 256 and others, are transferred by type I
35 transfer to the clean water commission and the board is abolished. No member
36 of the clean water commission shall receive or shall have received, during the
37 previous two years from the date of his appointment, a significant portion of his
38 income directly or indirectly from permit holders or applicants for a permit under
39 the jurisdiction of the clean water commission. The state park board, chapter

40 253, is transferred to the department of natural resources by type I transfer.

41 4. All the powers, duties and functions of the state soil and water districts
42 commission, chapter 278 and others, are transferred by a type II transfer to the
43 department.

44 5. All the powers, duties and functions of the state geologist, chapter 256
45 and others, are transferred by type I transfer to the department of natural
46 resources. [All the powers, duties and functions of the state land survey
47 authority, chapter 60, are transferred to the department of natural resources by
48 type I transfer and the authority is abolished.] All the powers, duties and
49 functions of the state oil and gas council, chapter 259 and others are transferred
50 to the department of natural resources by type II transfer. The director of the
51 department shall appoint a state geologist who shall have the duties to supervise
52 and coordinate the work formerly done by the departments or authorities
53 abolished by this subsection, and shall provide staff services for the state oil and
54 gas council.

55 6. All the powers, duties and functions of the land reclamation
56 commission, chapter 444 and others, are transferred to the department of natural
57 resources by type II transfer. All necessary personnel required by the commission
58 shall be selected, employed and discharged by the commission. The director of
59 the department shall not have the authority to abolish positions.

60 7. The functions performed by the division of health in relation to the
61 maintenance of a safe quality of water dispensed to the public, sections 640.100
62 to 640.115, and others, and for licensing and regulating solid waste management
63 systems and plans are transferred by type I transfer to the department of natural
64 resources.

65 8. (1) The state interagency council for outdoor recreation, chapter 258,
66 is transferred to the department of natural resources by type II transfer. The
67 council shall consist of representatives of the following state agencies:
68 department of agriculture; department of conservation; office of administration;
69 department of natural resources; department of economic development;
70 department of social services; department of transportation; and the University
71 of Missouri.

72 (2) The council shall function as provided in chapter 258, except that the
73 department of natural resources shall provide all staff services as required by the
74 council notwithstanding the provisions of sections 258.030 and 258.040, and all
75 personnel and property of the council are hereby transferred by type I transfer

76 to the department of natural resources and the office of executive secretary to the
77 council is abolished.

640.075. The department of [natural resources] **agriculture** is authorized
2 to gather data, photographs and such other materials as may be necessary and
3 to prepare, edit and publish from time to time, as deemed necessary, copies of a
4 brochure on the Thomas Hart Benton murals in the house lounge and on other
5 major works of art of the Missouri state capitol. The brochure shall be sold at a
6 price to be set by the department of [natural resources] **agriculture**. The
7 proceeds from the sale of the brochure shall be deposited in the state treasury to
8 the credit of the [natural resources document services] **department of**
9 **agriculture revolving services** fund created in section 60.595.

✓

Bill

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