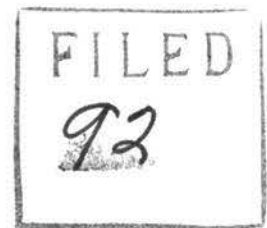


June 7, 1972

OPINION LETTER NO. 92
Answer by letter-Wood

Mr. Robert E. Myers
State Land Surveyor
State Land Survey Authority
P. O. Box 1158
Rolla, Missouri 65401



Dear Mr. Myers:

You have requested my legal opinion as to whether a certain definition of the term "land surveying" approved by the Board of Direction of the American Society of Civil Engineers conforms to the meaning of this term as it is used in Section 60.530, RSMo 1969.

The definition referred to and as set forth in your request is as follows:

"Land Surveying includes the determination of the location of land boundaries and land boundary corners, the preparation of maps showing the plan figures formed by the boundaries, and the determination of the areas of land contained therein; the division of land into smaller tracts, including the layout of roads and streets and rights-of-way for same to give required access, and the preparation of plats or maps of land subdivisions; and the preparation and interpretation of land descriptions for incorporation in deeds, leases, and other related documents."

Section 60.530, RSMo, the statute in question, reads:

"The state land surveyor shall, under guidance of the authority, carry out the routine functions and duties of the authority, as prescribed

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in sections 60.500 to 60.610. He shall, whenever practical, cause all land surveys, except geodetic surveys, to be executed, under his direction by the registered county surveyor or a local registered land surveyor when no registered county surveyor exists. He shall perform such other work and acts as shall, in the judgment of the authority, be necessary and proper to carry out the objectives of sections 60.500 to 60.610 and, within the limits of appropriations made therefor and subject to the approval of the authority, employ and fix the compensation of such additional employees as may be necessary to carry out the provisions of sections 60.500 to 60.610." (emphasis added)

This statute, part of the law establishing the State Land Survey Authority (Sections 60.500 to 60.610, RSMo 1969; L. Mo. 1969, page 123) was enacted at the same session of the General Assembly as a repeal and reenactment of the law governing the practices of architects, professional engineers and land surveyors (Chapter 327, RSMo 1969; L. Mo. 1969, page 451). Prior to such repeal and reenactment of the latter law, it contained the following definition:

"'Land surveying' means the surveying and measuring of the area of any portion of the earth's surface; locating and measuring the lengths and directions of the boundaries of land, and the contour of the surface thereof; and the plotting of lands, and subdivisions thereof in this state, for compensation in any form or manner;" (Section 344.010(1), RSMo 1959; L. Mo. 1955, page 633)

Upon the 1969 repeal and reenactment, this definition became the following:

"Any person practices in Missouri as a land surveyor who renders or offers to render or holds himself out as willing or able to render any service comprising the determination of the location of land boundaries and land boundary corners, the preparation of maps showing the shape and area of tracts of land and their subdivisions into smaller tracts and showing access thereto, and the preparation of official plats, or maps, . . ." (Section 327.272, RSMo 1969)

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It would appear that the new definition is more restrictive than the old definition and that it is also more compatible with the Authority's proposed definition of "land surveying" to implement Section 60.530, RSMo. In fact, because of the close similarity of the definition in Section 327.272, RSMo, and the proposed definition, we feel little hesitancy in stating our opinion that the proposed definition conforms to the meaning of "land surveys" as it is used in Section 60.530, RSMo.

Yours very truly,

JOHN C. DANFORTH
Attorney General