

Department of Legislative Services

Maryland General Assembly

2010 Session

FISCAL AND POLICY NOTE

House Bill 130

(The Speaker)(By Request - Department of Legislative Services)

Economic Matters

Education, Health, and Environmental Affairs

State Board for Professional Land Surveyors - Sunset Extension and Program Evaluation

This bill extends the termination date for the State Board for Professional Land Surveyors by 11 years to July 1, 2024, and requires an evaluation of the board by July 1, 2023. The bill includes a related reporting requirement.

Fiscal Summary

State Effect: Special fund revenues and expenditures for the State Occupational and Professional Licensing Design Boards' Fund are maintained beyond FY 2013. The Governor's proposed FY 2011 budget includes \$76,824 for board operations. The bill's reporting requirement can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background:

Regulation of Land Surveyors

The practice of land surveying generally refers to the practice of establishing official land, air space, and water boundaries. In practice, professional land surveyors are responsible for platting, locating, or setting the monumentation for boundaries of real

property, easements, or rights-of-way. They write descriptions of land for deeds, leases, and other legal documents. They are a key part in the development of site plans for construction, including the design of road and street grades, sediment and erosion control measures, and stormwater management systems.

Regulation of land surveying is necessary to enhance the safety of the general public by protecting consumers from potential financial risks that may be caused by unqualified and incompetent practitioners. Surveys play an integral role in the construction of major infrastructure projects. Inaccuracies in land surveying can create safety hazards for the general public and, in some cases, environmental harm. Maryland has regulated the practice of land surveying since 1939. All 50 states, as well as the District of Columbia and U.S. territories, license professional land surveyors.

The board is one of five “design boards” under the Department of Labor, Licensing, and Regulation purview; the other design boards include the State Board of Architects, State Board of Certified Interior Designers, State Board for Professional Engineers, and State Board of Examiners of Landscape Architects.

Board Funding Continues Through the State Occupational and Professional Licensing Design Boards’ Fund

Chapter 227 of 2003 created the State Occupational and Professional Licensing Design Boards’ Fund to ensure that costs for the five design boards were covered by their revenues. Chapter 273 of 2008 extended the fund’s sunset date by five years to June 30, 2013. Since 2003, the Secretary of Labor, Licensing, and Regulation has been charged with annually calculating the direct and indirect costs attributable to each of the design boards. With consent of the boards, the Secretary is authorized to average the direct and indirect costs among the boards in order to establish fees that more equitably distribute the costs associated with the operation of each board across all five boards.

Number of Board Licensees Stable Since 2000

The board currently issues two types of new licenses – a land surveyor license and a retired status license. It also issues permits to land surveying businesses. The licenses and permits are valid for two years. As of June 2009, there were approximately 1,012 individuals, partnerships, or corporations with licenses or permits in Maryland. The number of total licenses and permits held has remained relatively constant since 2000, when the total number of active board licenses and permits was 1,018.

Maryland Program Evaluation Act

The board is one of approximately 70 entities currently subject to periodic evaluation under the Maryland Program Evaluation Act. The Act establishes a process better known as “sunset review” as most agencies evaluated are also subject to termination, including the board which is scheduled to terminate July 1, 2013. The sunset review process begins with a preliminary evaluation conducted by the Department of Legislative Services (DLS) on behalf of the Legislative Policy Committee (LPC). LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation usually is undertaken the following year.

In its 2009 preliminary evaluation, DLS recommended that the board submit a report by October 1, 2011, to specified committees of the General Assembly that addresses its plans to implement board member training.

The bill implements those recommendations as adopted by LPC at its December 15, 2009 meeting.

Additional Information

Prior Introductions: None.

Cross File: SB 147 (The President)(By Request - Department of Legislative Services) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

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