

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 141

(Charles County Delegation)

Environmental Matters

Judicial Proceedings

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Charles County - Test Borings and Soil Tests - Entry on Private Land

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This bill authorizes an agent, employee, or assistant of Charles County to enter on private land to make test borings and soil tests and obtain information related to such tests for the purpose of determining the possibility of public use of the property if the land is unoccupied or if the occupant is not the owner. The county must make a bona fide effort to notify the occupant or owner.

If the agent or employee is refused permission to enter the property, the county may apply for a court order directing that the agent or employee be granted permission to enter and remain on the land to the extent necessary to carry out the authorized activities.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Charles County expenditures could decrease by a minimal amount for land surveying. Revenues would not be affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** An agent, employee, or assistant of Anne Arundel County, Montgomery County, and Baltimore City already has similar authority as proposed by the bill.

**Background:** Maryland State law authorizes certain individuals • after a bona fide effort to notify the occupant or the owner; • if the land is unoccupied; or • if the occupant is not

the owner, to enter on private land and perform specific tasks to determine the possibility of public use of the property. This authority is granted to civil engineers, land surveyors, real estate appraisers, and their assistants acting on behalf of the State or any jurisdiction with the power of eminent domain. This authority is also granted to employees of the State Highway Administration and the Maryland Transit Administration.

**Local Fiscal Effect:** Charles County advises that the bill would reduce the amount of time spent obtaining test samples and soil borings on land that is being considered for public use. In instances where a county employee or a contractor hired by the county is not able to receive permission from a property owner, county expenditures may decrease by a minimal amount.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Charles County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2008  
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