

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 1254

(Delegate Valderrama)

Economic Matters

Education, Health, and Environmental Affairs

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Governmental Units - Designation of Individual in Responsible Charge of Land  
Surveying and Property Line Surveying Activities

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This bill requires, beginning January 1, 2024, each State and local governmental unit, including a public institution of higher education, that engages in the practice of land surveying or property surveying to designate at least one State-licensed individual to be in charge of any such surveying practiced by or on behalf of the unit.

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Fiscal Summary

**State Effect:** State expenditures (all funds) and/or higher education expenditures may increase to the extent that the bill requires units of State government to hire licensed surveyors beginning in FY 2024, as discussed below. Any effect cannot be reliably estimated at this time but could be significant. Revenues are not materially affected.

**Local Effect:** Local expenditures may increase to the extent that the bill requires units of local government to hire licensed surveyors beginning in FY 2024, as discussed below. The effect cannot be reliably estimated at this time, but could be significant. Revenues are not materially affected. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Generally, an individual must be licensed by the State Board of Land Surveyors as either a land surveyor or a property line surveyor prior to engaging in the practice of land surveying or property line surveying, as defined. There are three exceptions specified in statute:

- an individual who practices land surveying while performing official duties as an officer or employee of the federal government;
- an employee or other subordinate of a licensee, while the subordinate practices land surveying or practices property line surveying under authorized conditions; or
- an employee of an individual who is not licensed but who, nevertheless, is authorized to practice land surveying or to practice property line surveying, while the employee practices land surveying or practices property line surveying under authorized conditions.

In addition, the Office of the Attorney General has advised that employees and officers of the State, local governments, and universities may practice land surveying as part of their official duties without being licensed.

“Responsible charge” means direct control and personal direction of the investigation, design, construction, or operation of land surveying work that requires initiative, professional skill, and independent judgment.

**Background:** The State Board for Professional Land Surveyors regulates the practice of land surveying and property line surveying by licensing professional land surveyors and property line surveyors and issuing permits to entities that operate a business through which land surveying or property line surveying is practiced.

Practicing land surveying means establishing land boundaries, surveying and platting land, and determining topography and contours. Property line surveying means practicing land surveying except for the performance of land surveying services that involves the preparation and design of plans for road and street grades, sediment and erosion control measures, and storm drainage and stormwater management systems. To qualify for a land surveyor license or a property line surveyor license, an applicant must pass an examination and meet educational and experience criteria. Although a property line surveyor may renew a license, the board stopped issuing new property line surveyor licenses in 1990.

Initial and renewal license fees are \$76, although applicants also must typically pass two examinations, which have associated fees paid directly to the exam vendor. The board has about 1,000 licensees at any given time.

**State/Local Fiscal Effect:** The bill requires certain State and local governmental units to designate a State-licensed individual to be in responsible charge of land or property surveying practiced by or on behalf of the unit. Presumably, some units of government already have licensed surveyors on staff, and many others advise that they contract out all land surveying work. It is not clear if, under the bill, agencies that contract out land surveying services must designate a licensed agency employee to be in responsible charge of the contracted work, or if it is sufficient under the bill to designate a licensed contractor

to be in responsible charge. If the former is the case, governmental units must either hire licensed surveyors or assist existing staff in obtaining a license, resulting in an increase in State and/or local expenditures. Conversely, if agencies can designate a licensed contractor as an individual in responsible charge, most agencies can implement the bill with existing resources, but a small number that use unlicensed employees to conduct land surveying may have to arrange to have licensed surveyors on staff or begin contracting out those services. The effect on a particular unit of State or local government is unknown, and the combined effect cannot be reliably estimated at this time. Given the delayed requirement to January 1, 2024, most or all of any effect is likely delayed until fiscal 2024.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture; Maryland Department of the Environment; Department of General Services; Department of Labor, Licensing, and Regulation; Department of Natural Resources; Maryland Department of Planning; Maryland Department of Transportation; Baltimore City Community College; University System of Maryland; Maryland Stadium Authority; Montgomery County; cities of Bowie and Takoma Park; Maryland Municipal League; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2019  
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