

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

Senate Bill 1007 (Senator Giannetti)
 Education, Health, and Environmental Affairs

Natural Resources - Tree Experts - Licensing

This bill alters the definition of “tree expert” to include persons who represent themselves to the public as skilled in the trimming, pruning, thinning, cabling, shaping, removing, or reducing the crown of trees. These persons are thus subject to regulation by the Department of Natural Resources (DNR).

Fiscal Summary

State Effect: Special fund revenue increase of \$5,600 in FY 2006 from collection of fees for additional licenses. Future year estimates reflect exam re-take and annual renewal fees. Expenditures would not be materially affected.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
SF Revenue	\$5,600	\$2,800	\$1,900	\$1,900	\$1,900
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	\$5,600	\$2,800	\$1,900	\$1,900	\$1,900

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: “Tree expert” means a person who holds himself out as being skilled in the science of tree care and who, whether in his/her own business or as the employee of another person and whether under the title of arborist, tree specialist, tree surgeon, tree

expert, or otherwise, engages in the business or work of the treatment and care of trees for compensation by making diagnoses, prescribing, and supervising the treatment for trees.

A person may not engage in the work or business of a tree expert without a tree expert license. DNR must issue a license to any applicant who pays the application fee, is at least 18 years old, meets specified education and experience requirements, and passes an examination given by DNR. An employee under the supervision of a licensed tree expert may not be required to have a license in his own name. Every licensee shall carry and show proof of liability and property damage insurance, in the form and amount required by DNR at the time it issues the license. The application fee for the license is \$30. An applicant who fails any examination shall pay an additional fee of \$20 for each subsequent examination. A tree expert license shall be renewed annually. The annual renewal fee is \$10. Fees are paid into the State Treasury for DNR's use.

Background: In 1996, DNR, in coordination with the Maryland Community Forest Council, the Maryland Arborist Association, and the Mid-Atlantic Chapter of the International Society of Arboriculture, conducted a comprehensive study of the State's tree care industry. The final report included recommendations relating to the Tree Expert Licensing Law. The changes in this bill were among those included in the report. According to DNR, those entities currently regulated would like those involved with tree removal to also be regulated in order to level the playing field. Currently, there are over 600 licensed tree experts in Maryland.

State Revenues: Special fund revenues would increase by \$5,580 in fiscal 2006, which assumes that an additional 186 individuals would apply for a tree expert license in fiscal 2006 as a result of the bill's changes; the application fee for a license is \$30. Future year estimates assume that: (1) half of those individuals will fail the exam on the first try and re-take the exam in fiscal 2007 (\$20 re-take fee); and (2) licensees will renew their license each year (\$10 renewal fee).

The actual number of those that would be required to become licensed as a result of the bill is unknown; the estimate used above is based on information provided by DNR regarding the number of tree experts not currently required to be licensed that appear within a DNR complaint database. Accordingly, special fund revenues will vary to the extent the number of applications varies.

Additional Information

Prior Introductions: Virtually identical legislation was introduced as SB 95/HB 503 of 1998. HB 503 passed the House with amendments; both bills received an unfavorable report by the Senate Economic and Environmental Affairs Committee. HB 1013 of 2002 would have, among other things, modified the definition of “tree expert” to include those who provide consultation regarding the treatment for trees, install tree support systems in trees, and remove, trim, prune, or fertilize trees. HB 1013 received an unfavorable report by the House Environmental Matters Committee.

Cross File: HB 168 (Delegates Moe and Frush) – Environmental Matters.

Information Source(s): Department of Natural Resources, Department of Legislative Services

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