

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 210

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

Economic Matters

State Board of Foresters - Sunset Extension and Program Evaluation

This bill extends the termination date for the State Board of Foresters by 10 years to July 1, 2025, and requires an evaluation of the board by July 1, 2024.

Fiscal Summary

State Effect: General fund revenues and expenditures for the State Board of Foresters are maintained beyond FY 2015. The Governor’s proposed FY 2014 budget includes \$2,550 for board operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The General Assembly established the State Board of Foresters in 1972 to oversee the practices and licensing of foresters in the State. The board licenses and regulates individuals who practice forestry in the State, defined as “the application, for compensation, of scientific techniques to the planting, conservation, protection, and management of trees and related resources for their continuing use, whether found in large numbers and areas commonly known as forests, woodlands, and woodlots or in small groupings and individual trees in suburban and urban settings.” Thus, forestry differs from the activities of an arborist or tree expert, who generally focus on the health and physical condition of individual trees and not the whole forest. There are approximately 196 foresters currently licensed by the board to practice forestry in Maryland, a number that has remained stable since 1996.

Maryland Program Evaluation Act

The State Board of Foresters is 1 of approximately 70 regulatory entities and activities currently subject to periodic evaluation under the Maryland Program Evaluation Act. The Act establishes a process better known as “sunset review” as most entities evaluated are also subject to termination, including the board, which is scheduled to terminate July 1, 2015. A copy of the Department of Legislative Services (DLS) preliminary sunset report on the State Board of Foresters can be found at <http://dls.state.md.us/Content.aspx?page=104>.

The sunset review process begins with a preliminary evaluation conducted by 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.

Preliminary Evaluation Findings and Recommendations

The board underwent a preliminary evaluation as part of sunset review in 2012, which recommended that the board be waived from further evaluation and that the board’s termination date be extended by 10 years to July 1, 2025. The bill implements the DLS recommendations on the board as adopted by LPC at its December 11, 2012 meeting.

The report further recommended that the General Assembly consider prior recommendations to terminate the board as well as the report’s conclusion that the board may not be necessary to protect public health and safety, when deciding whether to reauthorize the board for 10 more years. In a previous preliminary evaluation in 2001, DLS also recommended that the board be waived from further evaluation and have its termination date extended. However, full evaluations conducted in 1982 and 1992 recommended that the board be terminated because, the evaluations concluded, the practice of forestry does not pose a threat to public health, safety, and welfare and thus does not need to be regulated. Those recommendations were not adopted by the General Assembly.

The 2012 preliminary sunset evaluation also highlighted the problem of multiple vacancies on the seven-member board; seven years have passed since the board has had full membership. The evaluation recommended that the Department of Labor, Licensing, and Regulation either work with the Governor’s Appointment Office to resolve the persistent vacancies on the board or introduce departmental legislation to alter the board’s membership to enable it to maintain a quorum at meetings. At the time of the evaluation there were three vacancies on the board: one licensed forester member and both

consumer members. There has not been a fully appointed board since 2005, and there has not been a consumer member on the board since 2010. Additionally, two of the four current board members are serving beyond the expiration of their terms.

The most critical problem related to the board vacancies is the board's difficulty in attaining a quorum to conduct business. As the board is composed of seven members, all four of its current members must be in attendance to draw a quorum, which can be difficult if one of the members has a schedule conflict, is ill, or has an emergency. Thus, the current vacancies often limit the board's ability to conduct business when even a single member is absent.

Additional Information

Prior Introductions: None.

Cross File: SB 236 (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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