

**Department of Legislative Services**  
 Maryland General Assembly  
 2013 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 572

(Delegates Beidle and Frush)

Environmental Matters

Education, Health, and Environmental Affairs

**Natural Resources - Tree Expert License - Qualifications**

This bill reduces from five years to three years the amount of time for which an applicant for a tree expert license who does not have specified college education must have been engaged continuously in practice as a tree expert with a licensed tree expert in Maryland or with an acceptable tree expert company in another state. The bill also requires that, after September 1, 2017, a licensed tree expert complete professional development curriculum established by the Department of Natural Resources (DNR) by regulation in order to qualify for renewal of a tree expert license.

**Fiscal Summary**

**State Effect:** DNR special fund expenditures increase by \$44,700 in FY 2016 to hire a supervisor to develop and manage the professional development curriculum for licensed tree experts. Future year expenditures reflect annualization and inflation. Revenues are not expected to be materially affected.

| (in dollars)   | FY 2014 | FY 2015 | FY 2016    | FY 2017    | FY 2018    |
|----------------|---------|---------|------------|------------|------------|
| Revenues       | \$0     | \$0     | \$0        | \$0        | \$0        |
| SF Expenditure | 0       | 0       | 44,700     | 83,900     | 87,800     |
| Net Effect     | \$0     | \$0     | (\$44,700) | (\$83,900) | (\$87,800) |

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

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

## Analysis

**Current Law:** A person may not engage in the work or business of a tree expert or represent themselves to the public as a tree expert without having received a license from DNR. A “tree expert” is generally a person who represents that the person is skilled in the science of tree care or removal and engages in the business or work of the treatment, care, or removal of trees over 20 feet tall for compensation. An employee under the supervision of a licensed tree expert is not required to have a license in the name of the employee.

To obtain a license, an individual must:

- be 18 or older;
- (1) have two years of relevant college education plus a minimum of one year of experience with a licensed tree expert in Maryland or an acceptable tree expert company in another state or (2) have five years of continuous experience with a licensed tree expert in Maryland or with an acceptable tree expert company in another state immediately preceding the date of application;
- pass a DNR examination; and
- pay an application fee.

Each licensee must carry and show proof of liability and property damage insurance.

Pursuant to Chapter 20 of 2011 (SB 80) and DNR regulations, licenses are currently renewed every two years at the end of the calendar year, but after September 2016, when Chapter 20 terminates, renewals will be required annually. A license application fee is \$30 and the renewal fee is \$25 through September 2016, after which the renewal fee will be \$10.

In accordance with tree care and removal regulations recently promulgated by the Department of Labor, Licensing, and Regulation, tree care employers must provide tree safety-related training to their employees.

**Background:** The Maryland Tree Expert Law, adopted in 1945, addresses tree care work done for compensation on private or public property in the State and protects consumers by licensing qualified and insured tree care companies and individuals. DNR licensed 1,227 tree experts for calendar 2012.

According to DNR, the International Society of Arboriculture and the Tree Care Industry Association conduct continuing education classes nationwide and the Maryland Chapter of the International Society of Arboriculture and the Maryland Arborist Association conduct some classes within Maryland and the surrounding area.

**State Expenditures:** DNR special fund expenditures increase by \$44,738 in fiscal 2016, which assumes DNR’s work to develop and manage the professional development curriculum begins January 1, 2016, (allowing for the development of the program and for licensed tree experts to meet the curriculum requirements prior to the first affected license renewal in December 2017). This estimate, which is based on a similar Maryland Department of Agriculture program for pesticide applicators, reflects the cost of hiring a supervisor to develop the program, maintain records, and review course curriculums. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

|   |                 |
|---|-----------------|
| Position                                | 1               |
| Salary and Fringe Benefits              | \$38,606        |
| Computer and Other Equipment            | 4,615           |
| Other Operating Expenses                | <u>1,517</u>    |
| <b>Total FY 2016 State Expenditures</b> | <b>\$44,738</b> |

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

**Small Business Effect:** The bill may have a meaningful impact on small businesses because it eases experience requirements for a license that must be obtained to engage in the business of tree care or removal. It may encourage the formation of new small businesses.

Once the professional development requirement for license renewal takes effect, tree care companies may incur costs and lost productive time for licensed tree experts to complete the professional development curriculum, but presumably also benefit from the professional development. Any small businesses that provide, or may provide in the future, professional development courses for the tree care industry may benefit from additional demand for their services.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 25, 2013  
ns/lgc Revised - House Third Reader - March 29, 2013

---

Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510