



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 20, 2024

BILL NUMBER: SB 683

SHORT TITLE: Tree Expert Licenses - Workers' Compensation Insurance Requirements and Application and Renewal Fee Alterations

DEPARTMENT'S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT'S POSITION

The Department supports this legislation. This legislation will codify the program's intent and strengthen the unit's authority to operate the program through a more comprehensive fee structure. Additionally, the bill would also promote consumer safety by requiring licensees to carry and provide the Department with proof of Worker's Compensation insurance.

The short-term impact of having to assist LTEs become compliant with new proof of insurance requirements will be mitigated over time by the unit's ability to use program revenues to hire additional staff to more efficiently manage the program's administrative functions. Consequently, these two impacts would likely offset one another.

Due to the fact that business insurance policies generally need to be updated annually, but the LTE's proof of insurance only needs to be updated biennially with the unit, the administrative burden in the short-term can be minimized.

BACKGROUND INFORMATION

The Licensed Tree Expert program is one of the reasons that make Maryland unique in the field of urban forestry. Like our Forest Conservation Act and Roadside Tree Law, the LTE program has served as a model to other states of how sound regulatory practices can promote and support industry best practices. At its core, the LTE program has three pillars (which were developed through a stakeholder engagement process, and which are codified in COMAR 08.07.07):

- Responsibility to the Public
- Responsibility to the Client
- Responsibility to Other Licensed Tree Experts and the Profession

Requiring any business that practices tree care in the state to employ at least one LTE who meets certain professional and/or academic criteria and passes a rigorous exam administered by DNR-MD Forest

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Service has helped ensure that quality tree care is available to the customer and is a normalized business practice.

The LTE program is multifaceted and complex, requiring coordinated efforts by numerous staff and other departmental contacts. The LTE program generally involves the following features:

- Triaging and reviewing applications
- Background checking and establishing eligibility for exam
- Proctoring monthly exams and issuing licenses
- Collecting license origination (\$30) and biennial renewal (\$20) fees
- Triaging and reviewing complaints against LTEs and unlicensed tree care workers
- Conducting investigations into complaints against LTEs and unlicensed tree care workers
- Collaborating with Natural Resources Police and Attorney General's Office to determine proper response to complaints, including suspension or revocation of licenses
- Addressing appeals and coordinating with Office of Administrative Hearings
- Approving and issuing continuing education units (CEUs)
- Performing outreach and stakeholder engagement
- Managing a database of all LTE profiles and support documentation

The program continues to expand by an approximate net increase of 100 licensees per year and is expected to grow even faster over the coming years since the licensing exam was translated into Spanish in Fall 2023. Less than 2 FTEs are currently available to administer the program statewide, constraining program effectiveness.

BILL EXPLANATION

This bill would enable the unit to raise fees from their current rate to an amount sufficient to hire or allocate additional staff support that would administer the program and enforce law. The bill would also promote consumer safety by requiring licensees to carry and provide the Department with proof of Worker's Compensation insurance.