

**SB0683\_DNR\_SUP\_EEE\_2-20-24.pdf**

Uploaded by: Justin Bowers

Position: FAV



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**

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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**

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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**

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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.

**FINAL SB 683 Testimony.docx.pdf**

Uploaded by: Katie Fry Hester

Position: FAV

**KATIE FRY HESTER**  
*Legislative District 9*  
Howard and Montgomery Counties

Education, Energy, and  
Environment Committee

Chair, Joint Committee on  
Cybersecurity, Information Technology  
and Biotechnology



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**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB 683 - Tree Expert Licenses - Renewal Fee Alterations**

February 19, 2024

Chairman Feldman, Vice-Chair Kagan, and members of the Education, Energy, and Environment Committee:

I am here today to present SB 683, Tree Expert Licenses - Renewal Fee Alterations, which is similar in nature to SB 586 that this committee heard during the 2023 legislative session.

Last year, this committee heard testimony regarding the dangerous nature of the tree trimming industry, not just to those who work in the field, but also to the environment and to the consumer when tree care is performed improperly. A significant cause for concern has been the lack of oversight, putting workers and land owners at risk - due in part to the Department of Natural Resources' (DNR) slow response time to complaints submitted because of lack of staffing and resources.

Last year, the Maryland Arborists Association (MAA) expressed concern over a provision of SB 586, which limited the number of companies that an individual's license could be listed under. After extensive meetings with the MAA, DNR, and industry members, we have drafted a bill that addresses the same problem we attempted to tackle last year, but this time with support from all stakeholders involved.

SB 683 as drafted removes the cap on application and renewal fees for Tree Expert Licenses. By allowing DNR to increase the fee, which is currently set at \$30 to cover the cost of processing applications, we provide necessary funding for them to bring on desperately needed staff to implement a Forest and Tree service program that is effective, reliable, and informative.

My office has also offered an amendment to the committee that would specify a cap on the cost of application and renewal fees by DNR. **I respectfully request a favorable report on SB683.**

Sincerely,

A handwritten signature in black ink that reads "Katie Fry Hester".

Senator Katie Fry Hester  
Howard and Montgomery Counties

**SB0683\_MAA\_FAV W AMEND.pdf**

Uploaded by: Danielle Bauer Farace

Position: FWA



# Maryland Arborist Association, Inc.

Danielle Bauer Farace  
Executive Director

## **SB 0683 – Tree Expert Licenses - Workers' Compensation Insurance Requirements and Application and Renewal Fee Alterations**

Committee: Education, Energy, and the Environment  
MAA Position: **FAVORABLE WITH AMENDMENT**

Date: February 19, 2024

The Maryland Arborist Association, Inc. (MAA) works to promote the importance of proper tree care, education in the field of arboriculture, and support the accomplishments of arborists. The majority of our membership are Licensed Tree Experts (LTE) who would be directly impacted by SB 0683.

The LTE program provides protection to Maryland consumers that those engaged in tree care in the state are using best practices and are properly insured. We have continually heard from our membership concerns about individuals who are operating wrongfully without a license or abusing their license are not properly being enforced. It has been expressed to us that through this legislation, these issues will be addressed through the increase of application and renewal fees.

However, we are apprehensive to support the increase in fees without knowing how much the increase will be or guaranteeing that the additional revenue will benefit enforcement of the program. Our membership has expressed that significant fee increases would negatively impact Maryland's small tree care businesses. Due to this concern, we request that SB 0683 be amended to include the amount of fee increases. With this change, we request your favorable report on SB 0683.

Sincerely,

Danielle Bauer Farace  
Executive Director