

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/14/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/26/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

08 07 07 07, .08

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator

Lisa A Eutsler

Telephone Number

410-260-8107

Mailing Address

Tawes State Office Building, 580 Taylor Avenue, C-4

City State Zip Code

Annapolis MD 21401

Email

lisa.eutsler@maryland.gov

5. Name of Person to Call About this Document

Marian Honeczy

Telephone No.

410-260-8511

Email Address

marian.honeczy@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: 4/30/2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:
:
Md. R
(vol.) (issue) (page nos) (date)
Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Shara Alpert, Assistant Attorney General, (telephone #410-260-8358) on 5/12/15. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mark Belton

Title

Secretary

Date

5/12/15

Telephone No.

410-260-8101

Title 08
DEPARTMENT OF NATURAL RESOURCES

Subtitle 07 FORESTS AND PARKS

08.07.07 Licensed Tree Experts

Authority: Natural Resources Article 1-104 and 5-415--5-423; State Government
Article 10-206; Annotated Code of Maryland

Notice of Proposed Action

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The Department of Natural Resources proposes to amend Regulations .07 License Application and Renewal Fees and .08 Violations of Regulations under COMAR 08.07.07 Licensed Tree Experts.

Statement of Purpose

The purpose of this action is to include language stating the continuing education requirements in the Regulations as required by statute and to clarify the intent of imposition of a suspension and revocation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

This amendment will require those renewing their tree expert license to complete continuing education instruction prior to the renewal of their license. Instruction will be offered by various entities at varying costs depending on the entity and instruction length. Attendance will result in a loss of billable hours.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

A. On issuing agency:

NONE

B. On other State agencies:

NONE

C. On local governments:

NONE

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups:	(-)	potentially significant
	NONE	
E. On other industries or trade groups:	(+)	potentially significant
	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D(). small companies may have to pay a registration fee and lose billable hours to attend the instruction.

E(). those companies conducting the instruction will have an increase in attendees and registration fees.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to , , , or call , or email to , or fax to . Comments will be accepted through . A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
special (Forestry and Parks Reserve Fund)

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 07 FORESTS AND PARKS

Chapter 07 Licensed Tree Experts

Authority: Natural Resources Article, §§1-104 and 5-415—5-423; State Government Article, §10-206; Annotated Code of Maryland

.07 License Application and Renewal Fees.

A. An applicant shall pay to the Department, as part of the examination application, a \$30 fee. If the applicant fails an examination, an additional \$20 fee must be paid for each subsequent examination application.

B. A tree expert license shall be renewed every 2 years.

[License Renewal Schedule.

(1) All licensees shall renew their licenses by December 31, 2011, for the 2012 calendar year.

(2) Commencing with 2011 renewals for the 2012 calendar year:

(a) Odd-numbered licenses will be renewed for a 2-year period and every subsequent odd-numbered year; and

(b) Even-numbered licenses will be renewed for a 1-year period and will be renewed for a 2-year period every

subsequent even-numbered year.]

C. [Renewal Fees.

(1) A licensed tree expert shall pay a \$25 fee every 2 years for license renewal [in accordance with the schedule in §C of this regulation].

[(2) Licensees renewing in accordance with §C(2)(b) of this regulation shall pay a \$10 renewal fee for the 2012 license year.]

D. *Professional Development.* Commencing with the 2017 renewals, a licensed tree expert shall complete at least 8 hours of Department approved continuing education instruction during the preceding 2-year term;

E. The Department shall review and approve the curriculum for continuing education instruction provided that the curriculum includes information on:

(1) New state and federal laws, regulations, and policies; or

(2) Technologies affecting the work of a licensed tree expert.

F. Before a course may be approved and advertised as meeting the continuing education instruction requirement of this section, the course holder shall:

(1) Submit the course curriculum to the Department for approval at least 4 weeks before the date of the scheduled course; and

(2) Submit documentation that includes the number of classroom hours, the curriculum, and the entity conducting the course.

G. Documentation of completion of a course approved by the Department may be submitted to the Department by:

(1) A licensed tree expert providing a Certificate of Completion; or

(2) The approved course holder providing names and license numbers of those who completed the course.

H. The Department may consider whether a licensee may receive credit for continuing education instruction for a course that was not pre-approved based on a licensee's submission of the documentation required under sections E, F, and G of this regulation.

I. The Department shall maintain continuing education records for each licensed tree expert to reflect the completion of approved course hours.

J. If a licensed tree expert does not complete the required continuing education instruction within the 2-year license renewal deadline, the licensee shall only be able to renew a license by taking and passing the tree expert examination given by the Department.

.08 Violation of Regulations.

A. Pursuant to Natural Resources Article, §5-421(b), Annotated Code of Maryland, the Department of Natural Resources may temporarily suspend, for a period not to exceed 2 years, the license of a licensed tree expert who violates this chapter. This power of suspension is in addition to, and not in limitation of, the Department of Natural Resources' power to revoke or suspend a tree expert license pursuant to Natural Resources Article, §5-421(a), Annotated Code of Maryland.

B. Before the suspension, revocation, or denial of a tree expert license, the Department shall provide a contested case hearing conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

C. During the suspension or revocation of a tree expert license, the tree expert shall not engage in performing tree care work, whether or not under the supervision of a licensed tree expert, for the period of the suspension or revocation.

MARK BELTON, SECRETARY

DEPARTMENT OF NATURAL
RESOURCES