

UNOFFICIAL COPY OF SENATE BILL 123
EMERGENCY BILL

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6lr0078

By: **Chair, Education, Health, and Environmental Affairs Committee (By
Request - Departmental - Natural Resources)**

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2006

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Tree Experts - Licensing**

3 FOR the purpose of altering the qualifications for licensure as a tree expert; altering
4 certain testing requirements for a candidate for a tree expert license; making
5 this Act an emergency measure; providing for the termination of certain
6 provisions of this Act; and generally relating to the licensure of tree experts.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 5-418 and 5-420
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2005 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Natural Resources**

15 5-418.

16 (a) The Department may examine an applicant for license as a tree expert and
17 pass upon the competence of the applicant. It shall issue a "tree expert" license to any
18 applicant, who:

19 (1) Pays the fee provided in § 5-419 of this subtitle;

1 (2) Has attained 18 years of age; AND

2 (3) (i) Has had 2 years of approved college education in forestry,
3 arboriculture, horticulture, applied agricultural sciences, or the equivalent education
4 and a minimum of 1 year of experience with a licensed tree expert in Maryland or
5 with an acceptable tree expert company in another state AND HAS PASSED THE
6 EXAMINATION GIVEN BY THE DEPARTMENT; or

7 (ii) For at least [5] 3 years immediately preceding the date of
8 application has been engaged continuously in practice WITH OR as a tree expert [with
9 a licensed tree expert] in Maryland or [with an acceptable tree expert company] in
10 another state; ~~and~~ ~~OR~~

11 ~~(H)~~ IS ABLE TO PROVIDE PROOF OF THE REQUIRED EXPERIENCE BY
12 SUBMISSION OF INCOME TAX RETURNS FOR THE TREE EXPERT BUSINESS AND ANY
13 ~~TWO~~ ONE OF THE FOLLOWING ITEMS FOR THE TREE EXPERT BUSINESS:

14 1. A LIABILITY INSURANCE CERTIFICATE;

15 2. A BUSINESS REGISTRATION FILING;

16 ~~3.~~ ~~AN INCOME TAX RETURN;~~

17 ~~4.~~ 3. A BINDER OR CERTIFICATE OF INSURANCE FOR
18 WORKERS' COMPENSATION; OR

19 ~~5.~~ 4. A WORKERS' COMPENSATION COMMISSION
20 CERTIFICATE OF COMPLIANCE; ~~AND~~

21 ~~(4)~~ ~~Has passed the examination given by the Department.~~

22 (b) Every licensee shall carry and show proof of liability and property damage
23 insurance, in the form and amount required by the Department at the time it issues
24 the license. The licensee shall maintain the insurance protection for the period the
25 license is in effect.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
27 read as follows:

28 Article - Natural Resources

29 5-420.

30 The Department shall prepare and conduct examinations as often as necessary,
31 but at least once a year if there are any applicants. A candidate who [has passed]
32 FAILED A SUBJECT THAT IS PART OF the examination [in all but one of the subjects]
33 given may be reexamined in that subject only at any subsequent examination held
34 WITHIN 1 YEAR OF THE DATE THE CANDIDATE TOOK THE INITIAL EXAMINATION, and
35 if the candidate passes that subject the candidate is considered to have passed the

1 examination. The Department, however, may decide to reexamine an unsuccessful
2 candidate in every subject.

3 SECTION ~~2-3.~~ AND BE IT FURTHER ENACTED, That this Act is an
4 emergency measure, is necessary for the immediate preservation of the public health
5 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
6 members elected to each of the two Houses of the General Assembly, and shall take
7 effect from the date it is enacted. ~~§ Section 1 of this Act~~ shall remain effective
8 through May 31, ~~2009~~ 2007, and, at the end of May 31, ~~2009~~ 2007, with no further
9 action required by the General Assembly, Section 1 of this Act shall be abrogated and
10 of no further force and effect.