

Department of Legislative Services
 Maryland General Assembly
 2013 Session

FISCAL AND POLICY NOTE

Senate Bill 692 (Senator Montgomery, *et al.*)
 Education, Health, and Environmental Affairs

Licensed Tree Expert - License Renewal - Continuing Education Requirement

This bill establishes continuing education requirements for licensed tree experts and requires the Department of Natural Resources (DNR) to oversee a tree expert continuing education program. By September 29, 2016, to renew a tree expert license, an individual must complete at least eight hours of approved continuing education instruction during the preceding two-year term. Beginning September 30, 2016, to renew a tree expert license, an individual must complete at least four hours of approved continuing education instruction during the preceding one-year term. DNR must adopt implementing regulations.

Fiscal Summary

State Effect: DNR special fund expenditures increase by \$59,900 in FY 2014 to hire a position to oversee a tree expert continuing education program. Future year expenditures reflect annualization and inflation. It is assumed that DNR’s special fund revenues from renewal fees are not materially affected.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	59,900	76,700	80,200	83,900	87,800
Net Effect	(\$59,900)	(\$76,700)	(\$80,200)	(\$83,900)	(\$87,800)

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

Local Effect: The bill is not expected to materially affect local operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: DNR is required to maintain and update continuing education records for each tree expert and mail a renewal application to each licensee when records indicate that the continuing education requirements have been fulfilled.

DNR must approve the curriculum for a tree expert continuing education course (1) if the curriculum covers new State and federal laws, regulations, policies, or technologies affecting tree experts and (2) before a course may be advertised as eligible under the bill. Entities offering tree expert continuing education courses must submit the course curriculum to DNR for approval within a specified time period. DNR may approve tree expert continuing education courses conducted outside the State.

Upon completion of a continuing education course, a document of completion must be submitted to DNR that includes (1) the number of classroom hours of the course; (2) the curriculum; and (3) the name and license number for each licensee who completed the course.

If a licensed tree expert does not complete continuing education requirements, he/she may renew his/her license by taking and passing the examination given by DNR by January 31 of the year following license expiration.

The renewal of a tree expert license is only valid if (1) continuing education requirements are met and (2) DNR has received all required fees and forms.

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 (1) be 18 or older; (2) have two years of relevant college education plus a minimum of one year of experience with a licensed tree expert or have five years of continuous experience with a licensed tree expert immediately preceding the date of application; (3) pass a DNR examination; and (4) 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), licenses are currently renewed every two years, 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 \$59,868 in fiscal 2014, which accounts for the bill's October 1, 2013 effective date. 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	\$53,022
Computer and Other Equipment	4,615
Other Operating Expenses	<u>2,231</u>
Total FY 2014 State Expenditures	\$59,868

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 has a potentially significant impact on small tree care companies that must meet the continuing education requirements. However, small companies that provide continuing education services benefit to the extent the bill prompts additional demand for continuing education services.

Additional Information

Prior Introductions: None.

Cross File: HB 927 (Delegate Stein, *et al.*) - Environmental Matters.

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

Fiscal Note History: First Reader - February 27, 2013
ncs/lgc

Analysis by: Amanda Mock

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