

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 65 (Chair, Environment and Transportation Committee)(By
Request - Departmental - Natural Resources)

Environment and Transportation Education, Health, and Environmental Affairs

Tree Expert License - Application and Renewal - Repeal of Sunset Provision

This departmental bill repeals the termination date of Chapter 20 of 2011, making the changes under Chapter 20 that give the Department of Natural Resources (DNR) the authority to set by regulation tree expert license fees, and the timetable and procedure for license renewal, permanent.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: Special fund (Forest or Park Reserve Fund) revenues and expenditures continue beyond FY 2016. The Department of Legislative Services (DLS) notes that any difference between special fund revenues and expenditures under the bill and under the provisions of current law after the termination of Chapter 20 of 2011 is not expected to be material.

Local Effect: None.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). DLS concurs with this assessment.

Analysis

Current Law: Pursuant to Chapter 20 of 2011, an applicant for a tree expert license must pay to DNR a fee set by the department by regulation in an amount not to exceed the costs of processing the application. A tree expert license is renewed in accordance with a

timetable and procedure established by DNR by regulation. The renewal fee is also set by DNR by regulation in an amount not to exceed the costs of processing the license renewal. Chapter 20 terminates September 30, 2016.

Prior to the enactment of Chapter 20, an applicant for a tree expert license paid a fee of \$30 and an additional \$20 fee for each subsequent examination if an applicant failed any examination. The tree expert license was renewed annually for a \$10 fee.

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. 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 more than 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.

Current DNR regulations establish license fees similar to those in effect prior to Chapter 20. An applicant pays, as part of the examination application, a \$30 fee. If an applicant fails an examination, an additional \$20 fee is paid for each subsequent examination. Under the regulations, a tree expert license is renewed every two years, for a \$20 fee. DNR indicates that the main purpose of Chapter 20 was to allow license renewals to extend for two years and stagger the license renewals so that DNR would only have to process roughly half of the renewals each year. Licenses are currently renewed on a staggered, two-year timetable.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2016
md/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Tree Expert License – Application and Renewal – Repeal of Sunset Provision

BILL NUMBER: HB 65

PREPARED BY: The Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have a slight positive impact on small businesses in Maryland.

If the sunset provision in current law is not amended, after September 30, 2016 tree expert licenses will have to be renewed every year instead of every two years, which would be a slight inconvenience to small businesses. The proposed legislation would avoid the inconvenience by allowing two-year tree expert license renewals to continue.