

2024 - Tree Trimming Testimony (002).pdf

Uploaded by: Courtney Watson

Position: FAV

COURTNEY WATSON
Legislative District 9B
Howard County

DEPUTY MAJORITY WHIP

Appropriations Committee

Subcommittees

Oversight Committee on Pensions

Chair, Transportation
and the Environment



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 16, 2024

HB-561 Tree Expert Licenses - Renewal Fee Alterations

SPONSOR: Delegate Courtney Watson

POSITION: Favorable

Chair Korman, Vice Chair Boyce, and members of the Environment and Transportation Committee. I am here today to present HB-561, Tree Expert Licenses - Renewal Fee Alterations, which is similar in nature to HB-612 that this committee heard and passed 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 landowners at risk - due in part to the Department of Natural Resources (DNRs) slow response time to complaints submitted because of lack of staffing and resources.

The Maryland Arborists Association (MAA) expressed concern over a provision of HB-612, which limited the number of companies under an individual's license.

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 the support from all stakeholders involved.

HB-561 as drafted removes the current cap on DNR to increase fees for the application and renewal of a Tree Expert License. By allowing DNR the ability to increase fees, which is currently set at \$15, which no longer even covers the cost of processing the application, we provide additional resources so that DNR can provide better oversight of licensees.

There is one amendment that will specify a cap on the cost of application and renewal fees which will be provided directly to the ENT committee as soon as it is available.

I kindly request that this committee submit a favorable report and I am happy to answer any questions.

Courtney Watson

Delegate Courtney Watson

HB_561_SponserAmendment_253927

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Position: FAV



HB0561/253927/1

<p>AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES</p> <p>14 FEB 24 13:30:02</p>

BY: Delegate Watson
(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 561
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 6 down through “amounts” in line 7 and substitute “specifying the maximum amounts of certain fees established by the Department of Natural Resources by regulation”; and in line 8, strike “of Natural Resources”.

AMENDMENT NO. 2

On page 3, in line 24, strike “An” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN”; and in line 29, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”.

On page 4, in line 1, after “(c)” insert “FEES ESTABLISHED IN ACCORDANCE WITH THIS SECTION MAY NOT EXCEED:

- (1) FOR THE EXAMINATION FEE.....\$45;
- (2) FOR THE INITIAL LICENSE FEE.....\$55; AND
- (3) FOR THE RENEWAL FEE.....\$100.

(D)”.

HB_561_SponserAmendment_623826

Uploaded by: Courtney Watson

Position: FAV



HB0561/623826/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

01 FEB 24
16:30:07

BY: Delegate Watson

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 561

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Workers’ Compensation Insurance Requirements and**”; in line 3, after “**Alterations**” insert “**and Insurance Requirements**”; strike beginning with “requiring” in line 4 down through “employees;” in line 6; in line 9, strike “workers’ compensation” and substitute “certain”; and in line 23, after “5-417” insert “and 5-418”.

On page 2, in line 1, strike “5-418, 5-419,” and substitute “5-419”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 18 through 22, inclusive.

On page 4, in line 15, after “MAINTAIN” insert “**LIABILITY, PROPERTY, OR**”; and in line 16, strike “**IN ACCORDANCE WITH § 5-418(C) OF THIS PART**” and substitute “**AS REQUIRED BY LAW**”.

HB0561_DNR_SUP_ENT_2-16-24.pdf

Uploaded by: Justin Bowers

Position: FAV



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 16, 2024

BILL NUMBER: House Bill 561

SHORT TITLE: Tree Expert Licenses - Workers' Compensation Insurance Requirements and Application and Renewal Fee Alterations

DEPARTMENT'S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT'S POSITION

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

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

Contact: Dylan Behler, Director, Legislative and Constituent Services
dylan.behler@maryland.gov ♦ 410-260-8113 (office) ♦ 443-924-0891 (cell)

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

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.

HB0561_MAA_FAV W AMEND.pdf

Uploaded by: Danielle Bauer Farace

Position: FWA



Maryland Arborist Association, Inc.

Danielle Bauer Farace
Executive Director

HB 0561 – Tree Expert Licenses - Workers' Compensation Insurance Requirements and Application and Renewal Fee Alterations

Committee: Environment and Transportation
MAA Position: **FAVORABLE WITH AMENDMENT**

Date: February 14, 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 HB 0561.

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 HB 0561 be amended to include the amount of fee increases. With this change, we request your favorable report on HB 0561.

Sincerely,

Danielle Bauer Farace
Executive Director