



House Bill 178

Natural Resources – Roadside Trees – Preservation and Protection

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: February 10, 2016

To: Environment and Transportation Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS HB 178 WITH AMENDMENTS**. The bill would create a new permitting process for the maintenance and removal of trees, replacing the existing statutory and regulatory requirements established by the Maryland Department of Natural Resources (DNR).

MACo questions whether the new permitting requirements proposed by the bill are necessary. DNR already has extensive and longstanding regulations in place that govern tree care. However, should the Committee determine to pass HB 178, MACo requests the following two amendments be added to the bill.

First, many trees that would fall under the bill's provisions are already subject to a replacement requirement elsewhere in the Maryland Code. The bill's language should be amended so that such trees are not also subject to a replacement requirement under HB 178. This avoids permittees from having to potentially do a "double replacement."

Second, under DNR's existing regulations, governmental agencies that apply for a tree care permit are exempt from paying a permit fee. However, as the fiscal note for HB 178 indicates, county governments that maintain or remove trees will now be subject to significant permitting costs. Montgomery County alone estimates that under the bill its annual costs will increase by several million dollars. Counties and other state and local governmental agencies should be exempt from having to pay the bill's permit fees, as per existing practice.

HB 178 would make significant changes to DNR's existing tree care requirements and create major new costs and potentially double tree replacement requirements for county governments. If the Committee were to move this bill, the proposed MACo amendments would mitigate these two issues. Accordingly, MACo urges the Committee to issue a report of **FAVORABLE WITH AMENDMENTS** for HB 178.

MACo PROPOSED AMENDMENTS TO HB 178

AMENDMENT NO. 1

Provides that a tree already subject to a replacement requirement elsewhere under the Maryland Code is not also subject to the replacement requirements under this bill.

On page 3, in line 28, strike "A" and substitute "SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A".

On page 4, after line 5, insert:

"(III) THIS PARAGRAPH DOES NOT APPLY TO A TREE THAT IS SUBJECT TO A REPLACEMENT REQUIREMENT UNDER ANOTHER SECTION OF THE MARYLAND CODE.

AMENDMENT NO. 2

Provides that if a tree is being maintained or removed by a State or local governmental agency, that entity does not have to pay a permit fee (consistent with current regulations).

On page 4, after line 15, insert:

"(III) IF THE PERMIT APPLICANT IS A STATE OR LOCAL GOVERNMENTAL AGENCY, THE PERMIT FEE REQUIRED UNDER THIS PARAGRAPH SHALL BE WAIVED."