

13:16-17.1 + 0 13:16-17.9

LEGISLATIVE HISTORY CHECKLIST
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(Shade Tree & Community Forestry Program)

NJSA: 13:16-17.1 to 13:16-17.9

LAWS OF: 1996 CHAPTER: 135

BILL NO: A926

SPONSOR(S): Rocco

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Environment, Appropriations
SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: September 26, 1996
SENATE: October 24, 1996

DATE OF APPROVAL: December 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes 3-11-96 & 6-3-96
SENATE: No

FISCAL NOTE: Yes

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

DEFINITIVE COPY

[First Reprint]
ASSEMBLY, No. 926

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROCCO

1 AN ACT establishing a New Jersey Shade Tree and Community
2 Forestry Program, providing for the issuance of certain license
3 plates dedicated to the support and funding of the program,
4 supplementing Title 13 and chapter 3 of Title 39 of the Revised
5 Statutes and chapter 4 of Title 59 of the New Jersey Statutes, and
6 amending R.S.40:64-14 and P.L.1958, c.41.

7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10

11 1. (New section) Sections 1 through 9 of this act shall be known
12 and may be cited as the "New Jersey Shade Tree and Community
13 Forestry Assistance Act."

14

15 2. (New section) The Legislature finds and declares that shade
16 trees and forests are a necessary and important part of community and
17 urban environments, and are critical to the environmental, social and
18 economic welfare of the State; that the ability of all county and
19 municipal governments to care for and manage their shade trees could
20 be enhanced through technical and financial assistance from a State
21 community forestry program; that local governments have experienced
22 recurring and damaging exposure to litigation due to the drastic
23 decline and poor condition of the State's community tree resource; that
24 properly planned and implemented local community forestry programs
25 can provide the necessary basis for local governments to reduce or
26 eliminate liability associated with local tree care programs and shade
27 tree commissions; and that the viability of county and municipal shade
28 tree commissions is essential to the preservation and enhancement of
29 the State's community tree resource.

30 The Legislature therefore determines that it is appropriate for the
31 State to encourage, promote and assist in the establishment, retention

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AES committee amendments adopted March 11, 1996.

1 and enhancement of shade tree and community forestry programs by
2 local governments; and that it is altogether fitting and proper to
3 establish a shade tree and community forest preservation license plate,
4 the revenues from which would be dedicated to the support of a State
5 community forestry program.

6

7 3. (New section) As used in sections 1 through 9 of this act:

8 "Commissioner" means the Commissioner of Environmental
9 Protection;

10 "Community forestry" means the planting, protection, care and
11 management of trees and other related natural resources within a
12 municipality or county;

13 "Department" means the Department of Environmental Protection;

14 "Local government" means a municipality, county or other political
15 subdivision of the State, or any agency thereof;

16 "Shade tree commission" means a municipal body created pursuant
17 to R.S.40:64-1 et seq. or a county body created pursuant to
18 R.S.40:37-1 et seq.; and

19 "State Forester" means the State Forester designated pursuant to
20 section 17 of P.L.1983, c.324 (C.13:1L-17).

21

22 4. (New section) There is established in the Division of Parks and
23 Forestry in the Department of Environmental Protection, under the
24 supervision of the State Forester, the "New Jersey Shade Tree and
25 Community Forestry Program," the purposes of which shall be to:

26 a. Assist local governments and shade tree commissions in
27 establishing and maintaining community forestry programs and in
28 encouraging persons to engage in appropriate and approved practices
29 with respect to tree management and care;

30 b. Advise local governments and shade tree commissions in the
31 development and coordination of policies, programs and activities for
32 the promotion of community forestry;

33 c. Provide grants to local governments and shade tree commissions
34 applying for assistance in the development and implementation of a
35 comprehensive community forestry plan approved pursuant to section
36 7 of P.L. , c. (C.) (now before the Legislature as this bill), to
37 the extent monies are appropriated or otherwise made available
38 therefor;

39 d. Educate citizens on the importance of trees and forests and their
40 role in the maintenance of a clean and healthy environment;

41 e. Provide technical assistance, planning and analysis for projects
42 related to community forestry;

43 f. Provide training assistance to local governments and shade tree
44 commissions regarding community forestry issues such as tree
45 diseases, insect programs and tree planting and maintenance; and

46 g. Provide volunteer opportunities for the State's citizens and

1 organizations interested in community forestry activities.

2 5. (New section) a. There is established in the department a
3 Community Forestry Council, which shall consist of 20 members,
4 appointed by the State Forester, all of whom shall be citizens with
5 expertise or interest in trees, forestry, or tree or forest management,
6 maintenance or care. Each of the members appointed shall serve for
7 a term of three years and until a successor is appointed and qualified,
8 except that of the members first appointed, seven shall serve terms of
9 one year and seven shall serve terms of two years. All vacancies,
10 except those created through the expiration of term, shall be filled for
11 the unexpired term only, and in the same manner as the original
12 appointment. Each member shall be eligible for reappointment, but
13 may be removed by the commissioner or the State Forester for cause.

14 b. A majority of the membership of the council shall constitute a
15 quorum for the transaction of council business. Action may be taken
16 and motions and resolutions adopted by the council at any meeting
17 thereof by the affirmative vote of a majority of the full membership of
18 the council.

19 c. Members of the council shall serve without compensation, but
20 may be reimbursed for expenses necessarily incurred in the discharge
21 of their official duties.

22 d. The State Forester shall appoint a chairperson and
23 vice-chairperson and the council may elect such other officers as may
24 be necessary. The council may appoint such staff or hire such experts
25 as it may require within the limits of appropriations made for these
26 purposes.

27 e. The council may call to its assistance such employees as are
28 necessary and made available to it from any agency or department of
29 the State or its political subdivisions.

30 f. The council may adopt, pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in
32 consultation with the department, any rules and regulations necessary
33 to carry out its responsibilities pursuant to P.L. , c. (C.) (now
34 before the Legislature as this bill).

35 g. The council shall advise the State Forester, the Division of Parks
36 and Forestry and the department on issues concerning community
37 forestry and assist with such other functions as may be authorized
38 pursuant to P.L. , c. (C.) (now before the Legislature as this
39 bill) or any other law.

40

41 6. (New section) The State Forester, with the advice and
42 assistance of the council, shall establish minimum standards, and
43 provide a training skills and accreditation program, for representatives
44 of local governments and shade tree commissions, the content of
45 which shall be the appropriate and approved methods for the planting,
46 protection, care and management of trees and other related natural

1 resources under their control.

2

3 7. (New section) a. The State Forester, with the advice and
4 assistance of the council, shall develop and make available to local
5 governments and shade tree commissions a list of guideline elements
6 found within a comprehensive community forestry plan. These
7 guidelines shall establish but not limit the basic framework of an
8 approved plan. The State Forester, with the advice and assistance of
9 the council, shall develop and make available to local governments and
10 shade tree commissions a procedure for submitting for approval a
11 comprehensive community forestry plan.

12 b. A local government may develop and submit to the State
13 Forester for approval a comprehensive community forestry plan
14 according to procedures established by the department.

15 c. The State Forester, after review and comment by the council,
16 shall approve a comprehensive community forestry plan if all required
17 parts of the plan adequately address the needs of the community and
18 the tree resource.

19

20 8. (New section) The commissioner, with advice from the State
21 Forester, shall prepare an annual report on the status of the New
22 Jersey Shade Tree and Community Forestry Program established
23 pursuant to section 4 of P.L. , c. (C.) (now before the
24 Legislature as this bill), which shall also include any recommendations
25 for legislative or administrative action to improve implementation of
26 that act, and transmit that report to the Governor, the President of the
27 Senate, the Speaker of the General Assembly, and the chairpersons of
28 the Senate Natural Resources ¹['Trade']¹ and Economic Development
29 Committee, the Senate Budget and Appropriations Committee, the
30 Assembly Environment ¹,'Science'¹ and ¹['Energy'] Technology¹
31 Committee, and the Assembly Appropriations Committee, or the
32 successors of those committees as designated respectively by the
33 President of the Senate and the Speaker of the General Assembly.

34

35 9. (New section) The department shall adopt, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), such rules and regulations as may be necessary to implement
38 P.L. , c. (C.) (now before the Legislature as this bill), including
39 establishment of:

40 a. Guidelines for development of a comprehensive community
41 forestry plan;

42 b. Criteria for proper selection, planting and care of trees;

43 c. Procedures to accept and evaluate submitted comprehensive
44 community forestry plans;

45 d. Procedures for the review and approval of training skills and
46 accreditation programs in tree care and management for local officials;

1 e. Guidelines for the provision of technical assistance under the
2 program to local governments and shade tree commissions in the
3 formation of comprehensive community forestry plans; and

4 f. Criteria for ranking grant applications received from local
5 governments and shade tree commissions applying for assistance in the
6 development and implementation of comprehensive community
7 forestry plans.

8

9 10. (New section) The Director of the Division of Motor Vehicles
10 in the Department of Transportation shall, upon proper application
11 therefor, issue shade tree and community forest preservation license
12 plates for any motor vehicle owned or leased and registered in the
13 State. In addition to the registration number and other markings or
14 identification otherwise prescribed by law, a shade tree and community
15 forest preservation license plate shall display words or a slogan and an
16 emblem indicating support for, or an interest in, shade tree and
17 community forest preservation. The words or slogan and emblem shall
18 be chosen by the director; however, the director shall solicit, in
19 conjunction with the Legislature, input from the general public on the
20 design of the plate and shall review the submissions prior to choosing
21 the design. Issuance of shade tree and community forest preservation
22 license plates in accordance with this section shall be subject to the
23 provisions of chapter 3 of Title 39 of the Revised Statutes, except as
24 hereinafter otherwise specifically provided.

25

26 11. (New section) a. Application for issuance of a shade tree and
27 community forest preservation license plate shall be made to the
28 Division of Motor Vehicles on forms and in a manner as may be
29 prescribed by the director. In order to be deemed complete, an
30 application shall be accompanied by a fee of \$50 payable to the
31 Division of Motor Vehicles, which fee shall be in addition to all fees
32 otherwise required by law for the registration of the motor vehicle.

33 b. The annual fee for the registration certificate of a motor vehicle
34 that has been issued a shade tree and community forest preservation
35 license plate pursuant to the provisions of P.L. , c. (C.) (now
36 before the Legislature as this bill) shall include in each year
37 subsequent to the year of issuance a fee in the amount of \$10, which
38 fee shall be in addition to all fees otherwise required by law for the
39 renewal of the registration of the motor vehicle and shall be collected
40 by the Division of Motor Vehicles and deposited in the Shade Tree and
41 Community Forest Preservation License Plate Fund created pursuant
42 to section 12 of P.L. , c. (C.) (now before the Legislature as
43 this bill).

44

45 12. (New section) a. There is created in the Department of
46 Environmental Protection a special non-lapsing fund to be known as

1 the "Shade Tree and Community Forest Preservation License Plate
2 Fund." There shall be deposited in the fund the amount collected from
3 all license plate fees collected pursuant to section 11 of P.L. , c.
4 (C.) (now before the Legislature as this bill), less the amounts
5 necessary to reimburse the Division of Motor Vehicles for all costs
6 authorized pursuant to section 13 of P.L. , c. (C.) (now before
7 the Legislature as this bill). Monies deposited in the fund shall be
8 dedicated for support and funding of projects and programs concerned
9 with shade tree and community forest preservation, including but not
10 limited to the awarding of grants for such purposes to municipal shade
11 tree commissions created pursuant to R.S.40:64-1 et seq., county
12 shade tree commissions created pursuant to R.S.40:37-1 et seq.,
13 municipalities, and counties. Monies in the fund may also be awarded
14 as grants to local governments and shade tree commissions pursuant
15 to subsection c. of section 4 of P.L. , c. (C.) (now before the
16 Legislature as this bill). Monies deposited in the fund shall be held in
17 interest-bearing accounts in public depositories as defined pursuant to
18 section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or
19 reinvested in such securities as are approved by the State Treasurer.
20 Interest or other income earned on monies deposited in the fund, and
21 any monies which may be appropriated or otherwise become available
22 for the purposes of the fund, shall be credited to and deposited in the
23 fund for use as set forth in P.L. , c. (C.) (now before the
24 Legislature as this bill).

25 b. The Division of Parks and Forestry in the Department of
26 Environmental Protection shall administer the fund and the distribution
27 of grants pursuant to this section. The Division of Parks and Forestry
28 shall, by rule or regulation adopted pursuant to the "Administrative
29 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establish
30 qualifications for determining grant eligibility, criteria for ranking
31 grant applications, and standards and authorized purposes for the use
32 of such grants.

33

34 13. (New section) a. Prior to the deposit of license plate fees
35 collected pursuant to section 11 of P.L. , c. (C.) (now before
36 the Legislature as this bill) into the fund, amounts thereof as are
37 necessary shall be used to reimburse the Division of Motor Vehicles
38 for all costs reasonably and actually incurred, as stipulated by the
39 director, for:

40 (1) producing, issuing, renewing, and publicizing the availability of
41 shade tree and community forest preservation license plates; and
42 (2) any initial computer programming changes that may be
43 necessary to implement the shade tree and community forest
44 preservation license plate program established by P.L. , c. (C.)
45 (now before the Legislature as this bill).

46 b. The Director of the Division of Motor Vehicles shall annually

1 certify to the Commissioner of Environmental Protection the average
2 cost per license plate incurred in the immediately preceding year by the
3 Division of Motor Vehicles in producing, issuing, renewing, and
4 publicizing the availability of shade tree and community forest
5 preservation license plates. The annual certification of the average
6 cost per license plate shall be approved by the Joint Budget Oversight
7 Committee, or its successor.

8 c. In the event that the average cost per license plate as certified by
9 the director and approved by the Joint Budget Oversight Committee,
10 or its successor, is greater than the \$50 application fee established in
11 subsection a. of section 11 of P.L. , c. (C.) (now before the
12 Legislature as this bill) in two consecutive fiscal years, the director
13 may discontinue the issuance of shade tree and community forest
14 preservation license plates.

15

16 14. (New section) The Director of the Division of Motor Vehicles
17 shall notify eligible motorists of the opportunity to obtain shade tree
18 and community forest preservation license plates by including a notice
19 with all motor vehicle registration renewals, and by posting
20 appropriate posters or signs in all facilities and offices of the Division
21 of Motor Vehicles. The notices, posters, and signs shall be designed
22 by the Commissioner of Environmental Protection. The designs shall
23 be subject to the approval of the director, and the Commissioner of
24 Environmental Protection shall supply the Division of Motor Vehicles
25 with the notices, posters, and signs to be circulated or posted by that
26 division.

27

28 15. (New section) The Commissioner of Environmental
29 Protection, the Director of the Division of Motor Vehicles, and the
30 State Treasurer shall develop and enter into an interagency
31 memorandum of agreement setting forth the procedures to be followed
32 by the departments and the Division of Motor Vehicles in carrying out
33 their respective responsibilities under P.L. , c. (C.) (now before
34 the Legislature as this bill).

35

36 16. (New section) a. Except as provided pursuant to
37 N.J.S. 59:3-14, ¹["a public entity, including but not limited to"]¹ a
38 shade tree commission, or a ¹["public employee, including but not
39 limited to a"]¹ member of a shade tree commission, ¹or a volunteer
40 participating in a community forestry program as provided for by
41 P.L. , c. (C.) (now before the Legislature as this bill),¹ is not
42 liable for an injury ¹or death¹ caused directly or indirectly by a tree or
43 shrub, or any part thereof, if:

44 (1) the tree or shrub, or pertinent part thereof, is on public
45 property or on a public easement or right-of-way, or the tree or shrub,
46 regardless of its location, is regulated, planted, cared for, controlled,

1 or maintained by the ¹ **["public entity] shade tree commission** ¹; and
 2 (2) the ¹ **["public entity, or a public entity created by that public**
 3 **entity,] local government or the shade tree commission** ¹ has
 4 participated in and successfully completed a training skills and
 5 accreditation program established pursuant to section 6 of P.L. ,
 6 c. (C.) (now before the Legislature as this bill) and has a
 7 comprehensive community forestry plan approved pursuant to section
 8 7 of that act.

9 b. The existence of a municipal shade tree commission established
 10 pursuant to R.S.40:64-1 et seq. or a county shade tree commission
 11 established pursuant to R.S.40:37-1 et seq., or the fact that a
 12 municipality or county has otherwise provided for the regulation,
 13 planting, care, control, or maintenance of trees or shrubs within its
 14 jurisdiction, shall not be cause to immunize a private person from
 15 liability for an injury caused directly or indirectly by a tree or shrub, or
 16 any part thereof, who otherwise would be liable for that injury.

17

18 17. R.S.40:64-14 is amended to read as follows:

19 40:64-14. No liability for death or injury. Nothing in this chapter
 20 contained shall be construed to make any shade tree commission or
 21 any member thereof, ¹ **["or any municipality or governing body member**
 22 **or employee thereof creating a shade tree commission,] or any**
 23 **volunteer participating in a community forestry program as provided**
 24 **for by section 4 of P.L. , c. (C.)(now before the Legislature as**
 25 **this bill),** ¹ responsible for the death or injury of any person, or for an
 26 injury to any property or highway tree or shrub. Liability for any such
 27 death or injury shall be governed by the provisions of section 16 of
 28 P.L. , c. (C.)(now before the Legislature as this bill) and any
 29 other relevant provisions of the "New Jersey Tort Claims Act,"
 30 N.J.S.59:1-1 et seq.
 31 (cf: P.L.1958, c.42, s.11)

32

33 18. Section 7 of P.L.1958, c.41 (C.40:37-10.2) is amended to read
 34 as follows:

35 7. Nothing in this article contained shall be construed to make any
 36 shade tree commission or a member thereof, ¹ **["or any county or**
 37 **governing body member or employee thereof creating a shade tree**
 38 **commission] or any volunteer participating in a community forestry**
 39 **program as provided for by section 4 of P.L. , c. (C.)(now before**
 40 **the Legislature as this bill),** ¹ responsible for the death or injury of any
 41 person, or for an injury to any property or highway tree or shrub.
 42 Liability for any such death or injury shall be governed by the
 43 provisions of section 16 of P.L. , c. (C.)(now before the
 44 Legislature as this bill) and any other relevant provisions of the "New
 45 Jersey Tort Claims Act." N.J.S.59:1-1 et seq.
 46 (cf: P.L.1958, c.41, s.7)

1 19. Sections 1 through 9 and sections 15 through 18 shall take
2 effect immediately. Sections 10 through 14 shall take effect on the
3 180th day after enactment, but the Commissioner of Environmental
4 Protection, the State Treasurer, and the Director of the Division of
5 Motor Vehicles may take such anticipatory acts in advance of that date
6 as may be necessary for the timely implementation of the provisions of
7 those sections of this act upon the effective date thereof.

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11

12 Establishes "New Jersey Shade Tree and Community Forestry
13 Program" to assist local governments; establishes new license plate to
14 fund program.

STATEMENT

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2
3 This bill would establish, in the Division of Parks and Forestry in
4 the Department of Environmental Protection (DEP), a "New Jersey
5 Shade Tree and Community Forestry Program." The program would
6 assist county and municipal governments in the planning and
7 management of local tree care programs. The program would be
8 authorized to award grants to local governments for projects and
9 programs concerned with shade tree and community forest
10 preservation, including the development and implementation of a
11 comprehensive community forestry plan.

12 The bill would also provide for the establishment and issuance of a
13 shade tree and community forest preservation license plate, the
14 revenues from which would be deposited in a Shade Tree and
15 Community Forest Preservation License Plate Fund. A fee of \$50
16 would be charged by the Division of Motor Vehicles for the purchase
17 of each plate, and an annual renewal fee of \$10 would be subsequently
18 assessed. Monies in the fund would be dedicated to the support of
19 projects and programs concerned with shade tree and community
20 forest preservation at the municipal and county levels. The Division
21 of Parks and Forestry in the DEP would administer the fund and the
22 awarding of grants utilizing monies in the fund.

23 The bill would also supplement the "New Jersey Tort Claims Act"
24 (N.J.S.59:1-1 et seq.) to provide that a public entity with an approved
25 comprehensive community forestry plan and which had successfully
26 completed a training skills and accreditation program administered by
27 the State Forester would be immune from liability for an injury caused
28 directly or indirectly by a tree or shrub located on public property or
29 on a public easement or right-of-way, or by a tree or shrub under the
30 regulation or control of the public entity. A public employee whose
31 conduct was outside the scope of his employment or which constituted
32 a crime, actual fraud, actual malice or willful misconduct would still
33 be liable for damages under existing language in the "New Jersey Tort
34 Claims Act" (N.J.S.59:3-14).

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39 Establishes "New Jersey Shade Tree and Community Forestry
40 Program" to assist local governments; establishes new license plate to
41 fund program.

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 926

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 1996

The Assembly Environment, Science and Technology Committee favorably reports Assembly Bill No. 926 with committee amendments.

This bill would establish, in the Division of Parks and Forestry in the Department of Environmental Protection (DEP), a "New Jersey Shade Tree and Community Forestry Program." The program would assist county and municipal governments in the planning and management of local tree care programs. The program would be authorized to award grants to local governments for projects and programs concerned with shade tree and community forest preservation, including the development and implementation of a comprehensive community forestry plan.

The bill would also provide for the establishment and issuance of a shade tree and community forest preservation license plate, the revenues from which would be deposited in a Shade Tree and Community Forest Preservation License Plate Fund. A fee of \$50 would be charged by the Division of Motor Vehicles for the purchase of each plate, and an annual renewal fee of \$10 would be subsequently assessed. Monies in the fund would be dedicated to the support of projects and programs concerned with shade tree and community forest preservation at the municipal and county levels. The Division of Parks and Forestry in the DEP would administer the fund and the awarding of grants utilizing monies in the fund.

As introduced, the bill would also supplement the "New Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.) to provide that a public entity with an approved comprehensive community forestry plan and which had successfully completed a training skills and accreditation program administered by the State Forester would be immune from liability for an injury caused directly or indirectly by a tree or shrub located on public property or on a public easement or right-of-way, or by a tree or shrub under the regulation or control of the public entity. A public employee whose conduct was outside the scope of his employment or which constituted a crime, actual fraud, actual malice or willful misconduct would still be liable for damages under existing language

in the "New Jersey Tort Claims Act" (N.J.S.59:3-14).

The committee amended the bill to provide immunity from liability only to members of shade tree commissions and volunteers participating in a community forestry program. Other amendments are technical in nature and would correct references to Senate and Assembly committee names that have changed since the date of the bill's introduction.

As amended and reported by the committee, this bill is identical to Senate Bill No. 591 (1R) of 1996.

This bill was pre-filed for introduction in the 1996-1997 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 926

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Assembly Appropriations Committee reports favorably Assembly Bill No.926 (1R).

Assembly Bill No.926 (1R) establishes, in the Division of Parks and Forestry of the Department of Environmental Protection (DEP), a "New Jersey Shade Tree and Community Forestry Program" to assist county and municipal governments in the planning and management of local tree care programs. The program would be authorized to award grants for projects concerned with shade tree and community forest preservation, including the development and implementation of a comprehensive community forestry plan.

The bill provides for the establishment and issuance of a shade tree and community forest preservation license plate, the revenues from which would be deposited in a Shade Tree and Community Forest Preservation License Plate Fund. A fee of \$50 would be charged by the Division of Motor Vehicles (DMV) for the purchase of each plate, and an annual renewal fee of \$10 would be subsequently assessed. Monies in the fund would be dedicated to the support of projects and programs concerned with shade tree and community forest preservation at the municipal and county levels. The Division of Parks and Forestry would administer the fund and the awarding of grants utilizing monies in the fund. The bill also supplements the "New Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.) to provide immunity from liability to members of shade tree commissions and volunteers participating in a community forestry program.

FISCAL IMPACT:

In the legislative fiscal estimate to the identical bill, S591(1R), the DMV had estimated fixed costs at approximately \$41,000 for reprogramming and variable costs at \$8 per each set of two special plates. The DMV, however, did not estimate any revenue amounts. Other special plates have brought in a range of revenues: \$433,000 for animal welfare; \$236,000 for wildlife conservation; and \$899,000 for shore conservation.

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]

ASSEMBLY, No. 926

STATE OF NEW JERSEY

DATED: JUNE 20, 1996

Assembly Bill No. 926(1R) of 1996 permits the Director of the Division of Motor Vehicles (DMV) to issue special shade tree and community forest preservation license plates. The director would be authorized to charge an initial application fee of \$50 and a \$10 renewal fee which shall be in addition to all fees otherwise required by law. After reimbursing DMV for expenses associated with plate issuance, the remaining application and renewal fees are to be deposited into a non-lapsing "Shade Tree and Community Forest Preservation License Plate Fund" which is to be administered by the Division of Parks and Forestry in the Department of Environmental Protection for the support and funding of projects and programs concerned with shade tree and community forest preservation.

In estimates for previous bills authorizing the issuance of special license plates, DMV estimated total fixed costs to be about \$41,000, for reprogramming agency and revenue automated systems, and for one-time die costs. Variable costs would be about \$8 for the issuance of each set of special plates. However, since DMV is generally unable to estimate public interest in new, special license plates, it does not project revenues.

The Office of Legislative Services (OLS) concurs with previous DMV cost estimates for the issuance of new, special license plates. However, as a possible reference range for potential revenues, OLS would note that DMV has estimated that FY 1996 revenues from special plates for animal welfare would provide about \$433,000, plates for wildlife conservation would provide about \$236,000, and plates for shore conservation would provide about \$899,000.

The legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.