

40:64-1 and 40:64-2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:64-1 & 40:64-2

(Municipal shade tree  
commissions-increased  
membership)

LAWS OF: 1984

CHAPTER: 164

Bill No: A1111

Sponsor(s): Schuber and Kosco

Date Introduced: February 6, 1984

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: No

Date of Passage: Assembly: May 17, 1984

Senate: September 20, 1984

Date of Approval: October 10, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly: Yes (not attached since  
identical to sponsor's  
statement)

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ YES

Following were printed:

Reports: No

Hearings: No

We are enclosing for information:

974.905 N.J. Federation of Shade Tree Commissions.  
S524 Proceedings, 1966 Annual Meeting.

J713 N.J. Federation of Shade Tree Commissions.  
F293p Proposed text for model shade tree ordinances for  
New Jersey municipalities based on Chapter 42,  
Laws of New Jersey, 1958.

RS/PC

ASSEMBLY, No. 1111

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 6, 1984

By Assemblymen SCHUBER and KOSCO

AN ACT concerning municipal shade tree commissions and amending  
R. S. 40:64-1 and R. S. 40:64-2.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 40:64-1 is amended to read as follows:

2 40:64-1. The body having charge of the finances of any munici-  
3 pality, and in case of a municipality governed by commissioners,  
4 the board of commissioners thereof, may provide by ordinance that  
5 the regulation, planting, care and control of shade and ornamental  
6 trees and shrubbery upon and in the streets, highways, public places,  
7 parks and parkways, of the municipality except State highways  
8 unless the **[State Highway]** Department of *Transportation* shall  
9 assent thereto and except county highways, parks and parkways,  
10 in counties now or hereafter having a county shade tree commis-  
11 sion, unless the county shade tree commission *or county depart-*  
12 *ment of parks and recreation* shall assent thereto, shall be  
13 **[exercised]** *exercised* by and be under the authority of a com-  
14 mission, which shall be known as the shade tree commission of  
15 ..... The commission shall consist of not less  
16 than **[three nor more than]** *five nor more than seven* members  
17 appointed by the mayor or other chief executive officer of the  
18 municipality, who shall be residents of the municipality, and shall  
19 serve without compensation except as hereinafter provided.

1 2. R. S. 40:64-2 is amended to read as follows:

2 40:64-2. The first commissioners shall be appointed within 60  
3 days after the ordinance providing for the commission shall become

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

Matter printed in italics *thus* is new matter.

4 effective, and their terms of office shall commence upon the day  
5 of their appointment and be for the respective periods of [three,  
6 four and five years, if the commission consists of three members,  
7 for the respective periods of two, three, four and five years, if the  
8 commission consists of four members and of] one, two, three, four  
9 and five years, if the commission consists of five members, beginning  
10 on January 1 next succeeding such appointment. *If the commission*  
11 *is to consist of six members, the first commissioners shall be ap-*  
12 *pointed as above, except that two shall be appointed for five years;*  
13 *and if the commission is to consist of seven members, two shall be*  
14 *appointed for five years and two shall be appointed for four years.*  
15 In *the* event that the membership of any commission is increased  
16 the new members shall be appointed in such manner that the terms  
17 shall expire in accordance with the foregoing. The terms of each  
18 appointee shall be designated in his appointment. All subsequent  
19 appointments, except to fill vacancies, shall be for the full term  
20 of five years, to take effect on [January] *January* 1.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill amends R. S. 40:64-1 to increase the authorized membership of a municipal shade tree commission. Under the provisions of this bill, a municipal shade tree commission would be required to have at least five, but no more than seven members. At present, municipal shade tree commissions must have at least three, but no more than five members.

The bill also amends R. S. 40:64-2 to prescribe the terms of office when the membership of a commission is expanded.

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1111

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STATE OF NEW JERSEY

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DATED: MARCH 15, 1984

Assembly Bill No. 998 amends R. S. 40:64-1 to increase the authorized membership of a municipal shade tree commission. Under the provisions of this bill, a municipal shade tree commission would be required to have at least five, but no more than seven members. At present, municipal shade tree commissions must have at least three, but no more than five members.

The bill also amends R. S. 40:64-2 to prescribe the terms of office when the membership of a commission is expanded.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1111**

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**STATE OF NEW JERSEY**

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DATED: JUNE 18, 1984

Assembly Bill No. 1111 would amend R. S. 40:64-1 to enlarge the membership of municipal shade tree commissions to from five to seven persons. At present, municipal shade tree commissions are composed of at least three, but not more than five, members.

The bill would also amend R. S. 40:64-2 to prescribe the terms of office when six-member and seven-member commissions are formed.

A-10 ET AL. SIGNED  
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OCTOBER 11, 1984

A-1111, sponsored by Assemblyman William Schuber, R-Bergen, to increase membership on municipal shade tree commissions to at least five but not more than seven members. Current law provides for at least three but not more than five members.

S-1646, sponsored by Senator Donald DiFrancesco, R-Union, to repeal several State statutes which have been superseded by the local Fiscal Affairs Law.

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