

40:64-1

LEGISLATIVE HISTORY CHECKLIST
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(Shade Tree Commissions--
alternate members)

NJSA: 40:64-1

LAWS OF: 1995 **CHAPTER:** 1

BILL NO: S456

SPONSOR(S): Palaia

DATE INTRODUCED: January 20, 1994

COMMITTEE: **ASSEMBLY:** Local Government
SENATE: Community Affairs

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

DATE OF PASSAGE: **ASSEMBLY:** December 5, 1994
SENATE: March 3, 1994

DATE OF APPROVAL: January 10, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

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[FIRST REPRINT]

SENATE, No. 456

STATE OF NEW JERSEY

INTRODUCED JANUARY 20, 1994

By Senator PALAIA

1 AN ACT permitting the appointment of alternate members of
2 shade tree commissions and amending R.S.40:64-1 ¹[and] ¹
3 R.S.40:64-2 ¹, R.S.40:37-1 and R.S.40:37-2¹.

4
5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

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

8 40:64-1. The body having charge of the finances of any
9 municipality, and in case of a municipality governed by
10 commissioners, the board of commissioners thereof, may provide
11 by ordinance that the regulation, planting, care and control of
12 shade and ornamental trees and shrubbery upon and in the streets,
13 highways, public places, parks and parkways, of the municipality
14 except State highways unless the Department of Transportation
15 shall assent thereto and except county highways, parks and
16 parkways, in counties now or hereafter having a county shade
17 tree commission, unless the county shade tree commission or
18 county department of parks and recreation shall assent thereto,
19 shall be exercised by and be under the authority of a commission,
20 which shall be known as the shade tree commission of . The
21 commission shall consist of not less than five nor more than seven
22 members ¹, and may include not more than two alternate
23 members. The members and alternate members shall be¹
24 appointed by the mayor or other chief executive officer of the
25 municipality, ¹[who]¹ shall be residents of the municipality, and
26 shall serve without compensation except as hereinafter provided.

27 ¹[The governing body of a county or municipality may, by
28 ordinance or resolution, as appropriate, provide for the
29 appointment of not more than two alternate members of the
30 shade tree commission, pursuant to the provisions of
31 R.S.40:64-2.]¹

32 (cf: P.L.1984, c.164, s.1)

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

34 40:64-2. The first commissioners shall be appointed within 60
35 days after the ordinance providing for the commission shall
36 become effective, and their terms of office shall commence upon
37 the day of their appointment and be for the respective periods of
38 one, two, three, four and five years, if the commission consists of
39 five members, beginning on January 1 next succeeding such
40 appointment. If the commission is to consist of six members, the
41 first commissioners shall be appointed as above, except that two
42 shall be appointed for five years; and if the commission is to
43 consist of seven members, two shall be appointed for five years
44 and two shall be appointed for four years. In the event that the
45 membership of any commission is increased, the new members

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Senate SCO committee amendments adopted February 10, 1994.

1 shall be appointed in such manner that the terms shall expire in
2 accordance with the foregoing. The terms of each appointee
3 shall be designated in his appointment. All subsequent
4 appointments, except to fill vacancies, shall be for the full term
5 of five years, to take effect on January 1.

6 ¹[The governing body of a county or municipality may, by
7 ordinance or resolution, as appropriate, provide for the
8 appointment to the shade tree commission of not more than two
9 alternate members. Alternate] If the ordinance providing for
10 alternate members provides for two alternate¹ members¹, they¹
11 shall be designated at the time of appointment as "Alternate No.
12 1" and "Alternate No. 2" and shall serve during the absence or
13 disqualification of any regular member or members. ¹[The
14 governing body of the county or municipality, as appropriate,
15 shall provide by ordinance or resolution, as appropriate, for the
16 order in which the alternates shall serve.]¹ The term of each
17 alternate member shall be five years commencing on January 1 of
18 the year of appointment; provided, however, that in the event
19 two alternate members are appointed ¹[their] the¹ initial
20 ¹[terms] term of "Alternate No. 2"¹ shall be four ¹years¹ and
21 ¹the initial term of "Alternate No. 1" shall be¹ five years
22 ¹[respectively]¹. The terms of the first alternate members
23 appointed pursuant to this section shall commence on the day of
24 their appointment and shall expire on the fourth or fifth
25 ¹[January] December¹ 31 next ensuing after the date of their
26 appointments, as the case may be. An alternate member may
27 participate in discussions of the proceedings but may not vote
28 except in the absence or disqualification of a regular member. A
29 vote shall not be delayed in order that a regular member may
30 vote instead of an alternate member.

31 (cf: P.L.1984, c.164, s.2)

32 ¹3. R.S.40:37-1 is amended to read as follows:

33 40:37-1. The board of chosen freeholders of any county may,
34 by resolution, establish and appoint a board of shade tree
35 commissioners to consist of not more than five residents of the
36 county, and to be known as the "shade tree commission of
37 county". The board of chosen freeholders may also, by
38 resolution, appoint not more than two residents of the county as
39 alternate members to the commission.

40 The board of chosen freeholders, or such committee or
41 committees thereof as it may designate, may exercise all the
42 functions herein conferred on the shade tree commission.¹

43 (cf: R.S.40:37-1)

44 ¹4. R.S.40:37-2 is amended to read as follows:

45 40:37-2. Of the commissioners first appointed, if the
46 commission is to consist of five members, one shall serve for one
47 year, one for two years, one for three years, one for four years,
48 and one for five years, and thereafter one commissioner shall be
49 appointed annually for five years. If the commission is to consist
50 of less than five members the appointments shall be so arranged
51 as to have the term of one commissioner expire each year.
52 Vacancies shall be filled by the board of chosen freeholders by
53 appointment for the unexpired term only.

54 If the resolution provides for the appointment of two alternate

1 members, they shall be designated at the time of appointment as
2 "Alternate No. 1" and "Alternate No. 2" and shall serve during
3 the absence or disqualification of any regular member or
4 members. Of the alternate members first appointed, "Alternate
5 No. 2" shall serve for one year and "Alternate No. 1" shall serve
6 for two years. Thereafter alternate members shall be appointed
7 for the same term of office as are commissioners. Vacancies
8 shall be filled by the board of chosen freeholders by appointment
9 for the unexpired term only. An alternate member may
10 participate in discussions of the proceedings but may not vote
11 except in the absence or disqualification of a regular member. A
12 vote shall not be delayed in order that a regular member may
13 vote instead of an alternate member.¹

14 (cf: R.S.40:37-2)

15 ¹[3.] §.1 This act shall take effect immediately.

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20 Permits appointment of alternate members of shade tree
21 commissions.

1 membership of any commission is increased, the new members
2 shall be appointed in such manner that the terms shall expire in
3 accordance with the foregoing. The terms of each appointee
4 shall be designated in his appointment. All subsequent
5 appointments, except to fill vacancies, shall be for the full term
6 of five years, to take effect on January 1.

7 The governing body of a county or municipality may, by
8 ordinance or resolution, as appropriate, provide for the
9 appointment to the shade tree commission of not more than two
10 alternate members. Alternate members shall be designated at
11 the time of appointment as "Alternate No. 1" and "Alternate No.
12 2" and shall serve during the absence or disqualification of any
13 regular member or members. The governing body of the county
14 or municipality, as appropriate, shall provide by ordinance or
15 resolution, as appropriate, for the order in which the alternates
16 shall serve. The term of each alternate member shall be five
17 years commencing on January 1 of the year of appointment;
18 provided, however, that in the event two alternate members are
19 appointed their initial terms shall be four and five years
20 respectively. The terms of the first alternate members appointed
21 pursuant to this section shall commence on the day of their
22 appointment and shall expire on the fourth or fifth January 31
23 next ensuing after the date of their appointments, as the case
24 may be. Alternate members may participate in discussions of the
25 proceedings but may not vote except in the absence or
26 disqualification of a regular member. A vote shall not be delayed
27 in order that a regular member may vote instead of an alternate
28 member.

29 (cf: P.L.1984, c.164, s.2)

30 3. This act shall take effect immediately.

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STATEMENT

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35 This bill permits the governing body of a municipality or
36 county, as appropriate, to appoint not more than two alternate
37 members of a municipal or county shade tree commission.
38 Alternates appointed pursuant to this bill will serve five years
39 commencing on January 1 of the year of their appointment;
40 provided, however, that in the event two alternate members are
41 appointed their initial terms will be four and five years
42 respectively. Alternate members may participate in discussions
43 of the proceedings but may not vote except in the absence or
44 disqualification of a regular member. The bill specifically
45 provides that a vote on a matter before the commission will not
46 be delayed in order that a regular member may vote instead of an
47 alternate member.

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52 Permits appointment of alternate members of shade tree
53 commissions.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 456

STATE OF NEW JERSEY

DATED: JULY 8, 1994

The Assembly Local Government Committee reports favorably Senate Bill No. 456 (1R).

Senate Bill No. 456 (1R) would permit the governing body of a municipality, by ordinance, and a county board of chosen freeholders, by resolution, to provide for the appointment of one or two alternate members to a municipal or county shade tree commission. Current law does not provide for the appointment of alternate members to municipal or county shade tree commissions.

The bill provides that alternate members of municipal shade tree commissions are to be appointed by the mayor, shall be municipal residents and shall serve without compensation. If the ordinance calls for the appointment of two alternates, they are to be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and are to serve during the absence or disqualification of commissioners. Each municipal shade tree commission alternate is to be appointed for a five-year term commencing on January 1 of the year of appointment; however, the initial term of "Alternate No. 1" is set at five years while the initial term of "Alternate No. 2" is set at four years.

Under the provisions of the bill, alternates to municipal shade tree commissions are to be appointed by the mayor or other chief executive officer of the municipality, as are regular members under current law. The terms of the alternate members first appointed are to expire on the fourth or fifth December 31 next ensuing after the date of their appointments.

The bill also provides that whenever a resolution calls for the appointment of two alternate members to a county shade tree commission, the alternates shall be designated as "Alternate No. 1" and "Alternate No. 2" at the time of appointment. Of the alternate members first appointed, "Alternate No. 2" shall serve for one year and "Alternate No. 1" shall serve for two years. Thereafter alternate members shall be appointed for the same term of office as are commissioners.

County shade tree commissions may consist of fewer than five members with terms of office that are shorter than five years; consequently, the bill provides that the term of office of alternate members shall be tied to the term of office of commissioners.

The bill provides that alternate members of both county and municipal shade tree commissions are authorized to participate in discussions of the proceedings but are not authorized to vote except in the absence or disqualification of a regular member. The bill specifically provides that a vote on a matter before a commission will not be delayed in order that a regular member may vote instead of an alternate member.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 456

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1994

The Senate Community Affairs Committee reports favorably and with committee amendments Senate Bill No. 456.

This bill, as amended by the committee, would permit the governing body of a municipality, by ordinance, and a county board of chosen freeholders, by resolution, to provide for the appointment of one or two alternate members to a municipal or county shade tree commission.

Current law does not provide for the appointment of alternate members to municipal or county shade tree commissions.

The bill, as amended, provides that alternate members of municipal shade tree commissions are to be appointed by the mayor, shall be municipal residents and shall serve without compensation. If the ordinance calls for the appointment of two alternates, they are to be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and are to serve during the absence or disqualification of commissioners. Each municipal shade tree commission alternate is to be appointed for a five-year term commencing on January 1 of the year of appointment; however, the initial term of "Alternate No. 1" is set at five years while the initial term of "Alternate No. 2" is set at four years.

The bill, as amended, provides that whenever a resolution calls for the appointment of two alternate members to a county shade tree commission, the alternates shall be designated as "Alternate No. 1" and "Alternate No. 2" at the time of appointment. Of the alternate members first appointed, "Alternate No. 2" shall serve for one year and "Alternate No. 1" shall serve for two years. Thereafter alternate members shall be appointed for the same term of office as are commissioners.

Alternate members of both county and municipal shade tree commissions are authorized to participate in discussions of the proceedings but are not authorized to vote except in the absence or disqualification of a regular member. The bill specifically provides that a vote on a matter before a commission will not be delayed in order that a regular member may vote instead of an alternate member.

The committee amended the bill to make technical corrections necessitated by the fact that the statutes governing municipal shade tree commissions and county shade tree commissions are located under separate chapters of the Revised Statutes.

The amendments specify that alternates to municipal shade tree commissions are to be appointed by the mayor or other chief executive officer of the municipality, as are regular members under current law. They also indicate that alternates must be municipal residents and are to serve without compensation. The amendments also specify that the terms of the alternate members first appointed are to expire on the fourth or fifth December 31 next ensuing after the date of their appointments.

The amendments also recognize that county shade tree commissions may consist of fewer than five members with terms of office that are shorter than five years and therefore provides that the term of office of alternate members shall be tied to the term of office of commissioners. The amendments provide that of the alternate members first appointed, "Alternate No. 2" shall serve for one year and "Alternate No. 1" shall serve for two years.