

**SENATE NATURAL RESOURCES AND ECONOMIC
DEVELOPMENT COMMITTEE**

STATEMENT TO

SENATE, No. 591

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1996

The Senate Natural Resources and Economic Development Committee favorably reports Senate Bill No. 591 with committee amendments.

The Senate Natural Resources and Economic Development Committee reports favorably and with committee amendments Senate Bill No. 591. 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 Department of Environmental Protection would administer the fund and the awarding of grants from monies in the fund.

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 Tort Claims Act (N.J.S.59:3-14).

The committee amendments provide that the bill provides 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.