

4:7-39

LEGISLATIVE HISTORY CHECKLIST

NJSA 4:7-39

COPY NO. 2

Laws of 1975 Chapter 69

Bill No. A1380

Sponsor(s) Doyle & Newman

Date Introduced March 25, 1974

Committee: Assembly Agriculture & Environment

Senate Energy, Agriculture & Environment

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly April 29, 1974

Senate Feb. 27, 1975

Date of approval April 14, 1975

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note Yes

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

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ASSEMBLY, No. 1380

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1974

By Assemblymen DOYLE and NEWMAN

Referred to Committee on Agriculture and Environment

AN ACT concerning notice to be given with respect to proposed
[spraying] **treatment** or other action with respect to gipsy
moth control and amending R. S. 4:7-39.

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

1 1. R. S. 4:7-39 is amended to read as follows:

2 4:7-39. **[At least 10 days before]** *Before* entering any lands and
3 premises and starting the work of abating and suppressing the
4 gipsy moth **[and]** *in* its preliminary stages and protecting sur-
5 rounding vegetation or plant life therefrom, the department shall
6 cause a notice to be **[served personally or by registered mail on]**
7 *given to* the **[occupant]** *occupants* of **[the]** *all affected* lands and
8 premises, setting forth the nature of the action that it is proposed
9 to take and fixing a time therefor, *in the following manner:*

10 *a. By two separate insertions in a newspaper qualified to accept*
11 *legal notices published in the county of the proposed* *****[spraying]*****
12 **treatment* or other action and circulating in the affected area.*
13 *The two insertions shall appear at least 7 days apart, the first of*
14 *which shall be not earlier than 21 days prior to the proposed date of*
15 ****[spraying]*** *treatment* or other action and the second of which*
16 *shall be not later than 7 days prior to the proposed date thereof,*
16A *and*

17 *****[b. By posting notice of the proposed spraying or other action****
18 *on each affected parcel of property or by mailing a notice by*
19 *regular first class mail to the occupant of each affected parcel of*
20 *property.*

21 *Either method shall be completed no later than 10 days prior to*
22 *the proposed date of spraying or other action.]**

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

23 ***b.*** *By mailing a notice by regular first class mail to the occupant*
24 *of each affected parcel of property no later than 10 days prior to*
25 *the proposed date of treatment or other action.**

1 2. This act shall take effect ***[immediately]*** ****[***on January 1,*
2 *1975****]**** ***immediately**.*

LAW OFFICE OF
JAMES H. HANCOCK

ASSEMBLY, No. 1380

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1974

By Assemblymen DOYLE and NEWMAN

Referred to Committee on Agriculture and Environment

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7 *given to* the **[occupant]** *occupants* of **[the]** *all* affected lands and
8 premises, setting forth the nature of the action that it is proposed
9 to take and fixing a time therefor, *in the following manner:*

10 a. *By two separate insertions in a newspaper qualified to accept*
11 *legal notices published in the county of the proposed spraying or*
12 *other action and circulating in the affected area. The two inser-*
13 *tions shall appear at least 7 days apart, the first of which shall be*
14 *not earlier than 21 days prior to the proposed date of spraying or*
15 *other action and the second of which shall be not later than 7 days*
16 *prior to the proposed date thereof, and*

17 b. *By posting notice of the proposed spraying or other action*
18 *on each affected parcel of property or by mailing a notice by*
19 *regular first class mail to the occupant of each affected parcel of*
20 *property.*

21 *Either method shall be completed no later than 10 days prior to*
22 *the proposed date of spraying or other action.*

1 2. This act shall take effect immediately.

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

A1380 (1974)

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STATEMENT

The statute to be amended was enacted in 1921 before the use of aerial spraying. The statute, however has been made applicable to such spraying by recent court decision. The notice requirements have forced upon afflicted municipalities an unduly expensive burden out of proportion to the problem involved. The proposed revision would preserve sufficient notice but would save the municipalities involved a substantial sum of money.

SENATE ENERGY, AGRICULTURE AND
ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1380

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1975

Assembly, No. 1380, OCR concerns the type of notice to be given regarding proposed spraying or other action concerning gypsy moth control. The act amends R. S. 4:7-39 by removing the requirement that notice be served personally or by registered mail and by requiring that notice be given to the occupants of all affected lands by two insertions in a newspaper and by mailing a notice by regular first class mail. The Department of Agriculture indicates that passage of this bill would save some money for municipalities by eliminating the existing requirement that notification be by certified mail.

FISCAL NOTE TO
ASSEMBLY, No. 1380
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 4, 1974

The Official Copy Reprint of Assembly Bill No. 1380 prescribes the required notice to be given with respect to proposed spraying or other action regarding gypsy moth control.

The Department of Agriculture states that enactment of this legislation will provide some savings to municipalities by eliminating an existing requirement that spray notification be issued by certified mail. What the total saving to municipalities would be, however, is not known.

This legislation would not affect State funds.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.