

R.S. 4:11-1

LEGISLATIVE FACT SHEET

ON

N.J.R.S. 4:11-1 (Sheep, swine dealers - License)
(1966 Amendment)

LAWS OF 1966

CHAPTER 27

SENATE

ASSEMBLY 262

INTRODUCED Jan. 31, 1966

BY Curry

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO

Fiscal Note - attached

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ASSEMBLY, No. 262

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1966

By Assemblyman CURRY

Referred to Committee on Agriculture, Conservation and Economic Development

AN ACT concerning the buying, receiving, soliciting or negotiating the sale of
cattle, sheep or swine, and amending and supplementing chapter 11 of Title
4 of the Revised Statutes.

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

1 1. Section 4:11-1 of the Revised Statutes is amended to read as follows:

2 4:11-1. As used in this article:

3 "Agent" means any person buying, receiving, soliciting or negotiating
4 the sale of cattle, *sheep or swine* for or on behalf of any dealer or broker.

5 "Broker" means any person engaged in the business of soliciting or
6 negotiating the sale, resale, exchange or shipment of cattle, *sheep or swine*.

7 "Cattle" means all dairy, feeding, beef or breeding animals of bovine
8 genus.

9 "*Sheep*" means all animals of ovine genus.

10 "*Swine*" means all animals of porcine genus.

11 "Dealer" means any person engaged in the business of buying, receiv-
12 ing, selling, exchanging, soliciting or negotiating the sale, resale, exchange
13 or shipment of any cattle, *sheep or swine*.

14 "Secretary" means the Secretary of Agriculture.

15 "*Board*" means the State Board of Agriculture.

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

1 2. Section 4:11-2 of the Revised Statutes is amended to read as follows:

2 4:11-2. This article shall not apply:

3 **[a.** To any agricultural co-operative association, organized pursuant to
4 the provisions of chapter 13 of this Title, in its dealings with its members;

5 b. To any person who does not buy, receive, sell, exchange, solicit or
6 negotiate the sale, resale, exchange or shipment of cattle in the aggregate
7 of more than 10 cattle in any 1 license year;]

8 **[c.]** a. To any person who receives, buys, exchanges or ships cattle,
9 *sheep or swine* exclusively for slaughter; **[or]**

10 **[d.]** b. To any **[dairyman]** *person* who is permanently discontinuing
11 the business of dairying, breeding or feeding cattle, *sheep or swine* **[.];** or

12 **[e.]** c. To any **[dairyman]** *person* who purchases, receives or exchanges
13 cattle, *sheep or swine* for the sole purpose of increasing or improving his
14 herd or flock.

1 3. The board may adopt and promulgate such rules and regulations as
2 it may deem necessary to carry out the provisions of this act and to pre-
3 vent the spread of disease among cattle, sheep and swine.

1 4. Section 4:11-4 of the Revised Statutes is amended to read as follows:

2 4:11-4. A person before engaging in the business referred to in section
3 4:11-3 of this Title shall, annually on or before June 1, file an application
4 *for a license* with the secretary on a form prescribed by him and pay **[\$10.00**
5 **license fee.]** *an application fee of \$15.00 which shall not be returned if the*
6 *license is not granted.*

7 The application shall state the nature of the business, the breed or breeds
8 of cattle, *sheep or swine* which the applicant proposes to handle, the name of
9 the person applying for the license, and, if the applicant be a firm, associa-
10 tion, partnership or corporation, the full name of each member of such firm,
11 association, partnership or the names of the officers of the corporation, and
12 the name of the agent or agents of the applicant, the municipality and the
13 post office address at which the business is to be conducted, and such other
14 facts as the secretary shall prescribe.

15 The applicant shall further satisfy the secretary of his or its character,
16 financial responsibility and good faith in seeking to engage in the business.

1 5. Section 4:11-5 of the Revised Statutes is amended to read as follows:

2 4:11-5. Upon compliance by the applicant with the terms of section
3 4:11-4 of this Title, the secretary shall, subject to the provisions of this
4 article, issue a license entitling the applicant or his agent to conduct the
5 business of buying or receiving cattle, *sheep or swine*, or receiving, selling,
6 exchanging, soliciting or negotiating the sale, resale, exchange or shipment
7 of cattle, *sheep or swine* at the place named in the application, until June 30
8 next following. If application is made and **[a license fee of \$10.00]** *an ap-*
9 *plication fee of \$15.00* is paid subsequent to July 1 in any license year, the
10 license shall run until July 1 next following.

1 6. Section 4:11-9 of the Revised Statutes is amended to read as follows:

2 4:11-9. The secretary may decline to grant or may revoke a license when
3 he is satisfied that:

4 a. The applicant or licensee has violated the State laws or official regu-
5 lations governing interstate or intrastate movement of cattle, *sheep or swine*;

6 b. In the buying or receiving of cattle, *sheep or swine*, or receiving, sell-
7 ing, exchanging, soliciting or negotiating the sale, resale, exchange or ship-
8 ment of cattle, *sheep or swine*, there have been false or misleading state-
9 ments as to the health or physical condition of the animals with regard to
10 official tests, or quantity of cattle, *sheep or swine* or the practice of fraud
11 or misrepresentation in connection therewith;

12 c. As shown by a continual course of dealing, the licensee is unable or
13 unwilling to conduct properly the business of a dealer or broker;

14 d. The applicant or licensee has knowingly bought or received cattle,
15 *sheep or swine*, or received, sold, exchanged, solicited or negotiated the sale,
16 resale or exchange of cattle, *sheep or swine* that were diseased and likely to
17 transmit such disease to other cattle, *sheep or swine*, or human beings;

18 e. There has been a failure to practice ordinary measures of sanitation
19 of barns, stables, premises or vehicles used for the stabling, holding or trans-
20 porting of cattle, *sheep or swine*; or

21 f. There has been a continual or persistent failure to keep records re-
22 quired by the secretary or by law; or that there is a refusal on the part of the
23 licensee to produce books, accounts or records of transactions in the carry-
24 ing on of the business for which the license is granted.

1 7. Section 4:11-13 of the Revised Statutes is amended to read as follows:

2 4:11-13. The licensee and each of his agents shall carry an agent's card
3 at all times, when buying or receiving cattle, *sheep or swine*, or receiving,
4 selling, exchanging, soliciting or negotiating the sale, resale, or shipment of
5 cattle, *sheep or swine*.

6 The licensee or agent shall exhibit the card to persons with whom he is
7 negotiating or from whom he is soliciting business and to the secretary or
8 assistant whom the secretary may designate.

1 8. Section 4:11-14 of the Revised Statutes is amended to read as follows:

2 4:11-14. A person who shall:

3 a. Engage in or carry on the business of buying or receiving cattle,
4 *sheep or swine*, or receiving, selling, exchanging, soliciting or negotiating the
5 sale, resale, exchange or shipment of cattle, *sheep or swine*, as dealer, broker
6 or agent, within the meaning of this article, without first having obtained a
7 license as provided in this article; or

8 b. Violate any of the provisions of this article—

9 Shall be liable to a penalty of \$200.00 for the first offense and \$500.00
10 for the second and each subsequent offense, which penalty shall be sued for
11 and recovered by and in the name of the department in the manner provided
12 in article 1 of chapter 23 of this Title (§ 4:23-1 et seq.) and in such proceed-
13 ing the defendant may be arrested upon the commencement of the action.

14 If judgment is rendered for the plaintiff the court shall cause a defend-
15 ant who shall fail to pay forthwith the amount of the judgment rendered
16 against him, and all costs and charges incident thereto, to be committed to
17 the county jail for a period of not less than 5 nor more than 90 days in the
18 case of a first offense and not less than 10 nor more than 200 days for a
19 second and each subsequent offense.

1 9. This act shall take effect July 1, 1966.

STATEMENT

The purpose of this bill is to require dealers and brokers of sheep and swine to obtain licenses and to subject them to the requirements and controls presently applicable to cattle dealers and brokers.

FISCAL NOTE TO
ASSEMBLY, No. 262

STATE OF NEW JERSEY

DATED: MARCH 11, 1966

Assembly Bill No. 262 requires dealers and brokers of sheep and swine to obtain licenses and to subject them to the requirements and controls presently applicable to cattle dealers and brokers.

In addition, thereto, it increases the annual license fee to all dealers and brokers of cattle of any description from \$10.00 to \$15.00.

The fiscal impact of enactment would be to increase State revenue in the amount of \$680.00 per year without any additional administrative expense.

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