

4:22-16

LEGISLATIVE HISTORY CHECKLIST
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(Livestock humane treatment)

NJSA: 4:22-16

LAWS OF: 1995 **CHAPTER:** 311

BILL NO: S713

SPONSOR(S): Haines

DATE INTRODUCED: March 3, 1994

COMMITTEE: **ASSEMBLY** _____
SENATE: Senior Citizens

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

DATE OF PASSAGE: **ASSEMBLY:** December 18, 1995
SENATE: June 30, 1994

DATE OF APPROVAL: January 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[FIRST REPRINT]

SENATE, No. 713

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1994

By Senator HAINES

1 AN ACT concerning domestic livestock and animal cruelty and
2 welfare laws, amending R.S.4:22-16, supplementing chapter 22
3 of Title 4 of the Revised Statutes, and making an appropriation.
4

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

7 1. (New section) a. The State Board of Agriculture and the
8 Department of Agriculture, in consultation with the New Jersey
9 Agricultural Experiment Station and within six months of the
10 date of enactment of this act, shall develop and adopt, pursuant
11 to the "Administrative Procedure Act," P.L.1968, c.410
12 (C.52:14B-1 et seq.): (1) standards for the humane raising,
13 keeping, care, treatment, marketing, and sale of domestic
14 livestock; and (2) rules and regulations governing the enforcement
15 of those standards.

16 b. Notwithstanding any provision in this title to the contrary:

17 (1) there shall exist a presumption that the raising, keeping,
18 care, treatment, marketing, and sale of domestic livestock in
19 accordance with the standards developed and adopted therefor
20 pursuant to subsection a. of this section shall not constitute a
21 violation of any provision of this title involving alleged cruelty
22 to, or inhumane care or treatment of, domestic livestock;

23 (2) no person may be cited or arrested for a first offense
24 involving a¹ minor or incidental violation, as defined by rules
25 and regulations adopted pursuant to subsection a. of this section,
26 of any provision of this title involving alleged cruelty to, or
27 inhumane care or treatment of, domestic livestock, unless that
28 person has first been issued a written warning.

29 c. For the purposes of this act, "domestic livestock" means
30 cattle, horses, donkeys, swine, sheep, goats, rabbits, poultry,
31 fowl, and any other domesticated animal deemed by the State
32 Board of Agriculture and the Department of Agriculture, in
33 consultation with the New Jersey Agricultural Experiment
34 Station, to be domestic livestock for such purposes, according to
35 rules and regulations adopted by the department and the board¹
36 pursuant to the "Administrative Procedure Act."

37 2. R.S.4:22-16 is amended to read as follows:

38 4:22-16. Nothing contained in this article shall be construed to
39 prohibit or interfere with:

40 a. Properly conducted scientific experiments performed under
41 the authority of the [State] Department of Health or the United
42 States

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 SSV committee amendments adopted June 2, 1994.

1 Department of Agriculture. [That department] Those
 2 departments may authorize the conduct of such experiments or
 3 investigations by agricultural stations and schools maintained by
 4 the State or federal government, or by medical societies,
 5 universities, colleges and [philanthropic] institutions incorporated
 6 or authorized to do business in this State and having among their
 7 corporate purposes investigation into the causes, nature,
 8 prevention and cure of diseases in men and animals; and may for
 9 cause revoke such authority;

10 b. The killing or disposing of an animal or creature by virtue of
 11 the order of a constituted authority of the State;

12 c. The shooting or taking of game or game fish in such manner
 13 and at such times as is allowed or provided by the laws of this
 14 State;

15 d. The training or engaging of a dog to accomplish a task or
 16 participate in an activity or exhibition designed to develop the
 17 physical or mental characteristics of that dog. These activities
 18 shall be carried out in accordance with the practices, guidelines
 19 or rules established by an organization founded for the purpose of
 20 promoting and enhancing working dog activities or exhibitions; in
 21 a manner which does not adversely affect the health or safety of
 22 the dog; and may include avalanche warning, guide work,
 23 obedience work, carting, dispatching, freight racing, packing, sled
 24 dog racing, sledding, tracking, and weight pull demonstrations;

25 e. The raising, keeping, care, treatment, marketing, and sale
 26 of domestic livestock in accordance with the standards developed
 27 and adopted therefor pursuant to subsection a. of section 1 of
 28 P.L. , c. (C.) (now before the Legislature as this bill).

29 (cf: P.L.1985, c.433, s.1)

30 3. (New section) There is appropriated from the General Fund
 31 to the Department of Agriculture the sum of ¹[\$95,000] \$50,000¹
 32 to further the purposes and activities of the Division of Animal
 33 Health in the department with respect to domestic livestock,
 34 providing training for personnel enforcing this act, and employing
 35 necessary personnel to administer this act.

36 4. This act shall take effect immediately.

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41 Requires standards to be established for humane treatment of
 42 domestic livestock; appropriates \$50,000.

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2 the State or federal government, or by medical societies,
3 universities, colleges and [philanthropic] institutions incorporated
4 or authorized to do business in this State and having among their
5 corporate purposes investigation into the causes, nature,
6 prevention and cure of diseases in men and animals; and may for
7 cause revoke such authority;

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9 the order of a constituted authority of the State;

10 c. The shooting or taking of game or game fish in such manner
11 and at such times as is allowed or provided by the laws of this
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29 to the Department of Agriculture the sum of \$95,000 to further
30 the purposes and activities of the Division of Animal Health in
31 the department with respect to domestic livestock providing
32 training for personnel enforcing this act, and employing necessary
33 personnel to administer this act.

34 4 This act shall take effect immediately.

35 36 37 STATEMENT

38
39 This bill would provide that the State Board of Agriculture and
40 the Department of Agriculture, in consultation with the New
41 Jersey Agricultural Experiment Station and within six months of
42 the date of enactment of the bill, shall develop and adopt: (1)
43 standards for the humane raising, keeping, care, treatment,
44 marketing, and sale of domestic livestock; and (2) rules and
45 regulations governing the enforcement of those standards.

46 The bill would also provide that:

47 (1) there shall exist a presumption that the raising, keeping,
48 care, treatment, marketing, and sale of domestic livestock in
49 accordance with the standards developed and adopted therefor
50 pursuant to the bill shall not constitute a violation of the animal
51 cruelty and welfare laws of the State;

52 (2) no person may be cited or arrested for a first offense minor
53 or incidental violation, as defined by rule or regulation adopted
54 pursuant to the bill, of the State's animal cruelty laws involving

1 alleged cruelty to, or inhumane care or treatment of, domestic
2 livestock, unless that person has first been issued a written
3 warning.

4 This bill makes a general appropriation of \$95,000 from the
5 General Fund to the Department of Agriculture for the use of the
6 Division of Animal Health in connection with carrying out the
7 provisions and purposes of this bill. The bill also provides that
8 the State's animal cruelty laws shall not be construed to prohibit
9 or interfere with properly conducted scientific experiments
10 performed under the authority of the Department of Health or
11 the United States Department of Agriculture, and allows any
12 institutions, not just those that are philanthropic, that are
13 incorporated or authorized to do business in the State for certain
14 purposes set forth in the law to be among those entities that may
15 be authorized to conduct experiments or investigations without
16 the concern of prohibition or interference due to enforcement of
17 the State's animal cruelty laws.

18 It is the intent of this bill that it should be construed to allow
19 the New Jersey Society for the Prevention of Cruelty to Animals,
20 and its district (county) societies, in cooperation with the
21 Department of Agriculture, to continue in the SPCA's statutory
22 capacity to enforce the State's animal cruelty laws.

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27 Requires standards to be established for humane treatment of
28 domestic livestock, appropriates \$95,000.

SENATE SENIOR CITIZENS, VETERANS AFFAIRS
AND AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 713

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 2, 1994

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee favorably reports Senate Bill No. 713 with committee amendments.

This bill would provide that the State Board of Agriculture and the Department of Agriculture, in consultation with the New Jersey Agricultural Experiment Station and within six months of the date of enactment of the bill, shall develop and adopt: (1) standards for the humane raising, keeping, care, treatment, marketing, and sale of domestic livestock; and (2) rules and regulations governing the enforcement of those standards.

The bill would also provide that:

(1) there shall exist a presumption that the raising, keeping, care, treatment, marketing, and sale of domestic livestock in accordance with the standards developed and adopted therefor pursuant to the bill shall not constitute a violation of the animal cruelty and welfare laws of the State;

(2) no person may be cited or arrested for a first offense minor or incidental violation, as defined by rule or regulation adopted pursuant to the bill, of the State's animal cruelty laws involving alleged cruelty to, or inhumane care or treatment of, domestic livestock, unless that person has first been issued a written warning.

This bill makes a general appropriation of \$95,000 from the General Fund to the Department of Agriculture for the use of the Division of Animal Health in connection with carrying out the provisions and purposes of this bill. The bill also provides that the State's animal cruelty laws shall not be construed to prohibit or interfere with properly conducted scientific experiments performed under the authority of the Department of Health or the United States Department of Agriculture, and allows any institutions, not just those that are philanthropic, that are incorporated or authorized to do business in the State for certain purposes set forth in the law to be among those entities that may be authorized to conduct experiments or investigations without the concern of prohibition or interference due to enforcement of the State's animal cruelty laws.

The committee amended the bill to clarify that no person may be cited or arrested for a first offense involving a minor or incidental violation unless that person has first been issued a written warning and to reduce the appropriation from the General Fund to the Department of Agriculture for carrying out the provisions of the bill from \$95,000 to \$50,000.

January 5, 1996

Senate Bill No. 713
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the New Jersey Constitution, I am appending to Senate Bill No. 713 (First Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill would provide for an appropriation of \$50,000 from the General Fund to the Department of Agriculture for the use of the Division of Animal Health in connection with the development and adoption of standards for the humane raising, keeping, care, treatment, marketing and sale of domestic livestock and the promulgation of rules and regulations governing the enforcement of those standards. Although I recognize the merit of this bill and its goal of setting standards for humane treatment of domestic livestock, I believe that this appropriation should be considered in the overall context of the State Budget.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill.

Page 2, Section 3, Lines 30-35: After "3." delete in entirety
Page 2, Section 4, Line 36: Delete "4."

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Margaret M. Foti

Chief Counsel to the Governor