

4:10-28

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1971 **CHAPTER:** 235

NJSA: 4:10-28 (Increases the license fees to operate a controlled atmosphere storage facility for the storage of agricultural commodities, cattle, sheep and swine dealers and commission merchants, dealers and brokers)

BILL NO: A2351

SPONSOR(S) Margetts, DeKorte, Fenwick, Cobb, Foran and Vreeland

DATE INTRODUCED: April 19, 1971

COMMITTEE: **ASSEMBLY:** Agriculture, Conservation and Natural Resources

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 6, 1971

SENATE: May 10, 1971

DATE OF APPROVAL: June 23, 1971

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

A2351

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: Yes

HEARINGS: Yes

NEWSPAPER ARTICLES: Yes

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974.90 R424 1970c

Survey report and recommendations, State of New Jersey.
by New Jersey. Governor's Management Commission.
[Trenton, N.J. : The Commission, 1970] (pages 105 and 283).

974.90 R424 1971d

Final report and recommendations.
By New Jersey. Legislature. Joint Committee to Study the Report of the Governor's Management Commission.
[Trenton, N.J. : The Committee, 1971] (page 108).

974.90 R424 1971a, v.2

Public hearing before Legislative Committee to Study the Governor's Management Commission Report.
by New Jersey: Legislature. Legislative Committee to Study the Governor's Management Commission Report.
[Trenton, N.J. : The Committee 1971] (page36A)

"Agriculture Dept. Hikes License Fees," Trenton Evening Times, July 8, 1971, p. 15.

LAW

CHAPTER 235 LAWS OF N. J. 1971

APPROVED 6-23-71

ASSEMBLY, No. 2351

STATE OF NEW JERSEY

INTRODUCED APRIL 19, 1971

By Assemblywoman MARGETTS, Assemblyman DE KORTE, Assemblywoman FENWICK, Assemblymen COBB, FORAN and VREELAND

Referred to Committee on Agriculture, Conservation
and Natural Resources

AN ACT relating to certain fees imposed and collected by the Department of Agriculture and amending the "Controlled Atmosphere Storage Act," approved June 1, 1962 (P. L. 1962, c. 62), and R. S. 4:11-4 and R. S. 4:11-19.

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

1 1. Section 3 of P. L. 1962, c. 62 (C. 4:10-28) is amended to read
2 as follows:

3 3. Any person desiring to operate a controlled atmosphere
4 storage facility for the storage of agricultural commodities may
5 apply to the Secretary of Agriculture for a license. A *nonreturnable*
6 fee of **[\$5.00]** \$10.00 per room shall accompany the application.
7 Prior to the issuance of the license, the secretary or his authorized
8 agent shall inspect the storage facilities to determine whether they
9 comply with the applicable rules. A license shall expire 1 year
10 after the issuance thereof and may be renewed annually upon pay-
11 ment of a fee of **[\$5.00]** \$10.00 per room unless suspended or re-
12 voked for violation of this statute or regulations issued pursuant
13 thereto. When agricultural commodities are not represented as
14 having been exposed to controlled atmosphere storage, it shall not
15 be necessary to comply with the requirements of this act.

1 2. R. S. 4:11-4 is amended to read as follows:

1A 4:11-4. A person before engaging in the business referred to in
2 section 4:11-3 of this Title shall, annually on or before June 1, file
3 an application for a license with the secretary on a form prescribed
4 by him and pay an application fee of **[\$15.00]** \$30.00 which shall
5 not be returned if the license is not granted.

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

6 The application shall state the nature of the business, the breed
 7 or breeds of cattle, sheep or swine which the applicant proposes to
 8 handle, the name of the person applying for the license, and, if the
 9 applicant be a firm, association, partnership or corporation, the full
 10 name of each member of such firm, association, partnership or the
 11 names of the officers of the corporation, and the name of the agent
 12 or agents of the applicant, the municipality and the post-office
 13 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
 16 character, financial responsibility and good faith in seeking to
 17 engage in the business.

1 3. R. S. 4:11-19 is amended to read as follows:

2 4:11-19. A person before engaging in such business shall on or
 3 before April 1 of each year, file an application for a license with
 4 the secretary, on a form prescribed by him, and pay an application
 5 fee of ~~[\$15.00]~~ \$30.00 which shall not be returned if the license is
 6 not granted, for a license to transact such business.

7 The application shall state the nature of the business, the kinds
 8 of agricultural commodities which the applicant proposes to handle
 9 and if they be perishable agricultural commodities then the kinds
 10 of perishable agricultural commodities which the applicant pro-
 11 poses to handle, the full name of the person applying for the license,
 12 and if the applicant be a firm, association, partnership, or corpora-
 13 tion, the full name of each member of the firm, partnership or
 14 association, or officers of the corporation, and the name of the local
 15 agent of the person, firm, association, partnership or corporation,
 16 the municipality and street address, if any, of post-office address,
 17 where the business is to be conducted, and such other facts as the
 18 secretary shall prescribe.

19 The applicant shall satisfy the secretary of his character,
 20 financial responsibility and good faith in seeking to engage in the
 21 business.

1 4. This act shall take effect immediately.

SPONSOR'S STATEMENT

This bill carries out the recommendations of the Governor's Management Commission by increasing license fees applicable under existing statutes relating to controlled atmosphere storage, cattle, sheep and swine dealers and commission merchants, dealers and brokers. The anticipated increase in license fees as a result of these changes is approximately \$8,000.00.

FISCAL NOTE TO
ASSEMBLY, No. 2351

STATE OF NEW JERSEY

DATED: MAY 4, 1971

Assembly Bill No. 2351 increases the license fees to operate a controlled atmosphere storage facility for the storage of agricultural commodities—cattle, sheep and swine dealers—and commission merchants, dealers and brokers.

The Department of Agriculture estimates that enactment of this legislation would increase the revenue of the State by \$8,000.00 per year.

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

Agriculture Dept.

Trenton Evening Times, 7-8-71, p. 15

Hikes License Fees

As a result of two Assembly bills signed into law June 23 by Gov. William T. Cahill, the costs of many of the licenses issued by the New Jersey Department of Agriculture have been increased.

Operators of garbage-feeding hog farms, operators of meat and poultry slaughtering, rendering and handling plants, operators of controlled atmosphere storage facilities for apples, and dealers who buy cattle, sheep, swine, fruit, vegetables, eggs, live poultry, hay, grain or straw from New Jersey farmers must now pay an increased fee for their annual licenses.

The fee for a garbage-feeding hog farm operator was originally \$10. It is now \$25 for farms with less than 100 head of swine and \$50 for farms with 100 or more head.

Primary slaughtering and processing plants must now pay \$50 instead of the \$25 formerly asked. Secondary plants serving as renderers,

disposal plants and plants manufacturing animal food now must pay \$25 (formerly \$10) and the handler-distributor fee has increased from \$10 to \$25.

The controlled atmosphere storage operator's license has increased from \$5 to \$10 per room.

The license fee for dealers in agricultural products is now \$30 as opposed to \$15 before the increase.

The increases are in effect now. All applications received must comply with the new schedule of fees.

In another announcement, the department advised all slaughtering plants that effective July 1, overtime pay for meat and poultry inspectors has increased from \$8 an hour to \$8.80.

Salvation Army Selects Officers

The Salvation Army has appointed three officers to the

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Governor's Management Commission.

SURVEY REPORT
AND RECOMMENDATIONS.

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Department of Agriculture

The Department of Agriculture provides a variety of services to the agricultural industry and to consumers, including analysis and certification of animal feeds, fertilizers, herbicides, pesticides, and seeds. Other services are the diagnosis, eradication, and control of animal and plant diseases; market research and promotion, as well as publication of marketing and statistical information; and regulation and licensing of agricultural and dairy products.

CURRENT OPERATIONS

Eight farmer citizens, elected by delegates from statewide agricultural agencies and serving staggered four-year terms on a noncompensated basis, compose the State Board of Agriculture. This body, meeting about once a month, establishes policy for the Department of Agriculture and appoints the Secretary of Agriculture as its administrative head, subject to the approval of the Governor.

The department has approximately 195 permanent full-time employees plus 23 authorized positions that are unfilled. In addition, there are approximately 113 temporary employees. These positions are seasonal and peak in the spring and summer months, except for 13 that are annually contingent upon the availability of federal or dedicated tax funds. For 1971, the general fund appropriation is about \$3-million and federal grant and dedicated funds total an additional \$1.3-million.

The Department of Agriculture comprises the Office of the Secretary and eight operating divisions: Administration, Agricultural Chemistry, Animal Health, Dairy Industry, Markets, Plant Industry, Rural Resources, and Information. Each operates autonomously under a director to perform its functions including licensing, inspection, and certain laboratory services on a statewide basis. Some administrative functions are performed in each division.

APPRAISAL

The Department of Agriculture is a well-supervised group and, in general, is accomplishing its functional objectives. The level of net farm income has been declining over the past 10 years, as the state becomes more highly industrialized and urbanized. The department has recognized this trend, and many of its programs are consumer-oriented rather than exclusively for farmers.

The State Board of Agriculture no longer adequately reflects the diverse functions of the department. The organization has expanded as new activities were assigned; however, the resulting organizational structure is not conducive to maximum efficiency and effectiveness.

RECOMMENDATIONS

(See #10)

1. Reorganize the Department of Agriculture into three major areas.

The department is presently organized largely according to program areas by divisions, as shown in the chart on the following page. Each division is self-sufficient; each performs its own administrative, inspection, analytical, and enforcement functions. However, the vertical type of integration promotes inefficient utilization and control of available resources. The proposed organization, shown in the chart on page 103, would consolidate similar functions into three major areas, namely: operations, administration, and regulation and enforcement.

A Director of Operations would supervise the Divisions of Animal Health, Plant and Soil, Dairy Industry, Markets, and Laboratory Services. The Division of Plant and Soil would be a consolidation of the present Division of Plant Industry and the soil conservation programs of the eliminated Division of Rural Resources. The Division of Laboratory Services would replace the Division of Agricultural Chemistry. The regulation and enforcement functions of the present Division of Dairy Industry would be transferred to the new Division of Regulation and Enforcement. All other activities, which are mostly marketing-oriented, would be transferred to the present Division of Markets.

The divisions would remain the administrative centers for the programs, as in the existing structure. The functions of the division directors would be to administer each program, decide the scope of its needs, requisition the necessary personnel, control the progress of the work, and, when necessary, report unacceptable conditions or violations to the Division of Regulation and Enforcement. The proposed structure would remove the inspection and enforcement function from the operating divisions. The resultant pool of inspectors would allow more flexibility and provide greater numbers of inspectors in any emergency situation. The burden of excessive

past history. Thus, manual labor is used for a function that could be automated. The ratios of previous years' program expenditures by object account could be used to generate model budgets at various performance levels. The program administrator, in conjunction with the Secretary of Agriculture, could select the most appropriate level and modify it on an exception basis. A budget could be prepared in a week on this basis. Therefore, its preparation could be deferred until the close of the given fiscal year, so the history it is based on would be complete.

Although a large amount of administrative effort is involved every six months, the amount of time so spent would be difficult to determine. For this reason, the only savings claimed are those for one book-keeper position in the Fiscal Section of the Division of Administration. The resultant annual savings would be \$5,500. The one-time cost to effect this recommendation should not exceed \$6,000.

8. Provide systems analysis talent directed toward continuing cost control.

The department needs professional analytical talent to design automated systems for functions now performed manually. After implementation of such systems, these talents should be directed toward effecting operating economies through continuing work measurement, simplification, and management control programs.

The present position of administrative analyst should be upgraded and three clerk-typist positions eliminated for total annual savings of \$15,000.

9. Discontinue promotional activities for non-tax-supported commodity groups.

The Division of Markets is coordinating and supervising the promotional activities of certain commodity groups for milk, blueberries, and peaches. All funds for these promotions are general treasury monies, since there are no dedicated funds by these groups to carry out these activities. Savings of approximately \$3,000 would be realized by discontinuing such activities.

However, if these groups decide that promotional campaigns are necessary, legislation can be adopted which would give them the opportunity to organize into promotional councils. These councils would then be supported by an assessment on the products marketed.

10. Increase license and application fees.

The several licensing statutes enforced by the division produced \$21,000 in fees in 1969. The related

cost of administration was \$42,000. Therefore, the fees should be increased 100% to produce total revenues of \$42,000 to offset the cost. In addition, fees and administration costs should be reviewed at least annually. The purpose of this review would be to keep fees equal to the cost.

11. Eliminate state financial assistance in the flower and garden show.

Beginning in 1968, the sum of \$10,000 has been provided each year to help the horticultural industry implement a flower and garden show. The number of paid admissions has grown from 16,000 in 1967 to 25,000 in 1969, and the show has been strengthened through increased participation by the industry. As a result, state financial aid is no longer required. Annual savings of \$10,000 will accrue through implementation.

12. Transfer inspection functions pertaining to milk, eggs, fruit and vegetable products to the Division of Weights and Measures in the Department of Law and Public Safety.

At present, six inspectors in the Division of Markets check prices of milk in stores; 10 check the quality of eggs. Two supervise seasonal employees who check the quality of fruit and vegetable products from the months of April through September as well as inspect fruit and vegetable products arriving from other states and localities during the months of October through March.

All these functions can be equally well performed in the Division of Weights and Measures, which is also strongly concerned with consumer protection interests. For the milk and eggs inspection functions, all county and municipal, as well as state inspectors would be required to check the prices of milk and the quality of eggs when they are performing their regular weights and measures assignment. They would fill out an abbreviated inspection report form and send it to the one senior inspector who would still be responsible for the milk inspection function, in addition to his other normal enforcement inspections. Likewise, the two fruit and vegetable inspectors can be used in other weights and measures inspection activities during their slack seasons.

Implementation of this recommendation will eliminate the need for eight inspector positions at an average cost of \$8,200 each per year and seven senior inspector positions at an average cost of \$9,400 each per year. Annual savings would total approximately \$131,300.

RECOMMENDATIONS	ESTIMATED AMOUNT	SAVINGS, INCOME OR COST	TYPE OF ACTION
4. Convert two nonbudgeted positions in the Division of Economic Development into budgeted positions, and reduce the lump-sum promotional expenses amount accordingly.			Legislative

Department of Agriculture

1. Reorganize the Department of Agriculture into three major areas.	\$ 40,000	Annual Savings	Legislative
2. Eliminate the Division of Rural Resources.	\$ 25,000	Annual Savings	Executive
3. Eliminate the Division of Dairy Industry.	\$ 80,000	Annual Savings	Legislative
4. Create a Consumer Advisory Council to the State Board of Agriculture.			Legislative
5. Abolish the Office of the Secretary.	\$ 50,000 \$ 18,000	Annual Income Annual Cost	Executive
6. Eliminate the restrictions on object accounts for other than general funds.	\$ 35,000	Annual Savings	Executive
7. Eliminate one bookkeeper position and utilize the record of previous expenditures by program and object accounts to generate future	\$ 5,500 \$ 6,000	Annual Savings One-time Cost	Executive
8. Provide systems analysis talent directed toward continuing cost control.	\$ 15,000	Annual Savings	Executive
9. Discontinue promotional activities for non-tax-supported commodity groups.	\$ 3,000	Annual Savings	Executive
→ 10. Increase license and application fees.	\$ 21,000	Annual Income	Legislative
11. Eliminate state financial assistance in the flower and garden show.	\$ 10,000	Annual Savings	Executive
12. Transfer inspection functions pertaining to milk, eggs, fruit and vegetable products to the Division of Weights and Measures in the Department of Law and Public Safety.	\$ 131,300	Annual Savings	Legislative

Department of Transportation

1. Cease hiring clerical, stenographic, and secretarial personnel, and establish a performance measurement program.	\$ 455,000	Annual Savings	Executive
2. Initiate a program of hiring students enrolled in "cooperative" colleges and universities.			Executive
3. Permit state vehicles to travel free on state toll roads.			Legislative
4. Discontinue the practice of transferring funds from appropriated line-item accounts to pay salaries of unbudgeted positions.			Legislative

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FINAL REPORT AND RECOMMENDATIONS ,

OF THE
New Jersey Legislature
JOINT (LEGISLATIVE) COMMITTEE

TO STUDY THE

REPORT OF THE GOVERNOR'S MANAGEMENT COMMISSION ,

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December 1971

The Division of Budget and Accounting has subsequently reported that they will not implement this recommendation. They reported that they needed these controls and uniformity.

RECOMMENDATION 7. Eliminate one bookkeeper position and utilize the record of previous expenditures by program and object accounts to generate future budgets.

This recommendation was discussed with recommendation 6.

RECOMMENDATION 8. Provide systems analysis talent directed toward continuing cost control.

This has been implemented.

*RECOMMENDATION 9. Discontinue promotional activities for non-tax-supported commodity groups

We agree with this recommendation and it has been implemented through enactment of P. L. 1971, c. 308, the "Agricultural Research, Development and Promotion Act of 1970". Under the legislation, the Secretary can establish a marketing program, which may include advertising and sales promotion. In order to provide funds for the marketing program, provision is made under the act for the levying and collection of assessments in sufficient amounts to defray expenses.

→ *RECOMMENDATION 10. Increase license and application fees.

This recommendation has been implemented through enactment of:

P. L. 1970, c. 338 (A 1148)

P. L. 1971, c. 235 (A 2351)

P. L. 1971, c. 233 (A 2245)

P. L. 1971, c. 234 (A 2254)

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Volume II

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PUBLIC HEARING

before
New Jersey Legislature,
(LEGISLATIVE) COMMITTEE
TO STUDY THE GOVERNOR'S MANAGEMENT COMMISSION REPORT,

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JUN 29 1971

185 W. State Street
Trenton, N. J.

Held:
January 19, 1971
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Alfred N. Beadleston [Chairman]

Senator Richard J. Coffee
[for Senator J. Edward Crabel]

Assemblyman James R. Hurley

Assemblyman George C. Richardson

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then the vote was unanimous. I have never been able to figure out what that evening was all about.

MR. ALAMPI: Perhaps the lateness of the hour.

→ Number 10. Increase license and application fees.

We have over a period of years been doing this and we will continue to do it. The Commission recommends \$21,000 income. We estimate \$81,000 income. This is dependent upon some legislation that we plan to put in to increase the fees.

SENATOR BEADLESTON: That bill is being prepared, I take it.

MR. ALAMPI: That's right.

SENATOR BEADLESTON: Do the people affected agree?

MR. ALAMPI: We are working with them. The bill is being worked on right now.

SENATOR BEADLESTON: Do they agree to having their fees increased?

MR. ALAMPI: Every bill we have put in so far has been concurred in by industry in raising their fees. We hope to continue to do that.

We have a policy in the department. We never propose regulation or legislation until we meet with the people we intend to legislate or regulate. We comb it out before it ever gets to the legislative halls. That is why you get very little disagreement on some of these agricultural bills. We do our homework. It took two years to get the feed bill ready. It took 18 month for the lime bill. It took two and one-half years on the fertilizer bill. On the pesticide bill, it took many hours.

SENATOR BEADLESTON: It only took us an hour to pass it.

MR. ALAMPI: We had to do our homework. We would like to raise fees again commensurate with the feeling of the industry.

Number 11. Eliminate State financial assistance to the Flower and Garden Show.