

As Justice Heher said in *Saffore v. Atlantic Casualty Ins. Co.*, *supra*, at p. 309:

"The essential reason of the law, its internal sense, is the key to its understanding.

"There is involved here, not a mere regulation of the relations between the insurer and the insured *inter partes*, but a policy for the protection of the public against irremedial injury from negligence in the operation of motor vehicles on the public highways, \* \* \*."

The suspension of license privileges under the act is unrelated to the contractual rights, voluntarily assumed, between the defendant motorist and his surety who, in satisfying plaintiff's judgment, may acquire rights thereto by assignment or subrogation. It is our opinion that the clear meaning and purpose of the act has been met in this situation, and the judgment has been satisfied by payment to the party injured in the accident.

You are accordingly advised not to suspend the license or registration of a motorist under circumstances where a judgment is satisfied by his surety, although such judgment is not discharged of record.

Very truly yours,

DAVID D. FURMAN  
*Acting Attorney General*

By: THEODORE I. BOTTER  
*Deputy Attorney General*

JUNE 20, 1958

HONORABLE PHILLIP ALAMPI, *Secretary*  
*Department of Agriculture*  
1 West State Street  
Trenton, New Jersey

MEMORANDUM OPINION—P-19

DEAR SECRETARY ALAMPI:

You have requested our opinion as to the scope and effect of N.J.S.A. 4:5-106.1 to 4:5-106.20 inclusive, P.L. 1957, Chapter 140 and the rules and regulations promulgated pursuant thereto, especially with respect to their applicability to the non-garbage feeding segment of the swine industry of the State of New Jersey. The bill was entitled "An act concerning the control of contagious and infectious swine diseases, providing for the licensing and regulating of garbage-feeding hog farms, and fixing the penalties for the violations of the provisions hereof." We have been advised by your office that the bill was prepared and introduced by the Legislature with the intent that it would apply to the entire swine industry. The following provisions are pertinent to this inquiry:

4:5-106.2 Rules and regulations:

"The board may adopt and promulgate such rules and regulations as it may deem necessary in carrying out the provisions of this act in order to prevent the spread of disease among domestic animals."

## 4:5-106.3 Duties of Department of Agriculture:

"It shall be the duty of the department to:

- a. License garbage-feeding hog farms as prescribed in this act;
- b. Carry on a program which will demonstrate swine disease control practices and measures for the control and eradication of contagious and infectious diseases;
- c. Enforce rules and regulations adopted by the board for the control of contagious and infectious swine diseases."

## 4:5-106.17 Committee representing swine industry:

"The board shall appoint a committee of 5 representatives of the swine industry of the State, 1 of whom shall be a producer of grainfed swine, and 4 of whom shall be feeders of cooked or treated garbage. \* \* \* The committee shall serve as an advisory committee to the board and to the secretary on all matters pertaining to the swine industry and to the control of contagious and infectious diseases of swine. \* \* \*"

It is clear from the provisions outlined above including the Title to the law that the primary objective and intent of P.L. 1957, c. 140 is to control contagious and infectious swine disease of the entire swine industry; such control should not be limited to garbage-feeding hog farms only. That the Legislature saw fit to provide for licensing of garbage-fed hog farms to insure that garbage would be properly treated, as one means of controlling disease, does not indicate that other methods of preventing disease in the swine industry as a whole are prohibited. The New Jersey State Board of Agriculture is specifically authorized by N.J.S.A. 4:5-106.2 to promulgate and adopt rules and regulations for the control of contagious and infectious swine diseases. N.J.S.A. 4:5-106.3 empowers the New Jersey Department of Agriculture to enforce the rules and regulations adopted by the State Board of Agriculture for the control of contagious and infectious swine diseases and to carry on a program which will demonstrate swine disease control practices and measures for the control and eradication of contagious and infectious diseases. N.J.S.A. 4:5-106.17 provides for an advisory committee consisting of both segments of the industry, garbage and grain-feeding, to advise the Secretary on "\* \* \* all matters pertaining to the swine industry and to the control of contagious and infectious diseases of swine \* \* \*"

Nowhere in the above quoted sections nor in the entire statute is there any language or evidence of any intent to limit the general purposes of the statute solely to garbage-feeding hog farms. This statute falls within the general welfare and health type legislation and is therefore to be accorded a liberal construction. *Sutherland Statutory Construction*, 3rd Ed., Vol. 3, p. 397, Section 7202 (1943).

"\* \* \* Since a very early time the courts have been committed to the doctrine of giving statutes which are enacted for the protection and preservation of public health an extremely liberal construction for the accomplishment of their objectives. The public and social purposes served by such legislation greatly exceed the inconvenience and hardship imposed upon the individual, and therefore the former is given greater emphasis in the problems of interpretation. Therefore the courts are inclined to give health statutes a liberal interpretation despite the fact that such statutes are primarily penal in nature

and frequently impose criminal penalties. In most cases the proper enforcement of health laws is dependent upon administrative officers and agencies upon whom the efficacy of such legislation is dependent. While the courts have usually employed a rather rigid interpretation of statutes granting powers to administrative agencies, this rule has notably been relaxed in the interpretation of statutes granting powers to boards having control over public health."

You are accordingly advised that the provisions of the statute and of any rules or regulations promulgated thereunder dealing with the control and eradication of contagious and infectious swine diseases are applicable to the entire swine industry. The power to license hog farms pertains solely to garbage-feeding hog farms.

Verly truly yours,

DAVID D. FURMAN  
*Attorney General*

By: GEORGE H. BARBOUR  
*Deputy Attorney General*

JULY 9, 1958

HONORABLE ROBERT B. MEYNER  
State House  
Trenton, New Jersey

MEMORANDUM OPINION—P-20

DEAR GOVERNOR MEYNER:

You have requested an opinion as to whether the members of the Local Government Board in the Division of Local Government, Department of Treasury, who are appointed by you with the advice and consent of the Senate, may be appointed without regard to political party affiliation.

The Local Government Act of 1938 (P.L. 1938, c. 158; N.J.S.A. 52:27A-1 et seq.) created a State Department of Local Government. Section 10 of that act established the "Local Government Board" in this department and provided that its membership should consist of the Commissioner of Local Government, as chairman, and four members appointed by the Governor with the advice and consent of the Senate for five year terms, the initial terms of office to be staggered. Section 15 of the 1938 act prescribed the powers and duties of board members. Section 12 provided for their compensation. Important here is Section 11 (N.J.S.A. 52: 27A-11) of the act which prescribed the qualifications of the members of the board as to experience and in addition, provided that:

"\* \* \* Not more than two of the members shall belong to the same political party."

In 1944 the State Department of Taxation and Finance was established. (P.L. 1944, c. 112; N.J.S.A. 52:27BB-1). Art. 7, Sec. 1 of this act provided in part that:

"The State Department of Local Government as heretofore constituted and provided for by law shall be the Division of Local Government in the