

4:19A-5

LEGISLATIVE HISTORY CHECKLIST
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("Domestic Companion Animal Council")

NJSA: 4:19A-5

LAWS OF: 1995 **CHAPTER:** 145

BILL NO: A1358

SPONSOR(S): Warsh

DATE INTRODUCED: February 17, 1994

COMMITTEE: **ASSEMBLY:** Environment
SENATE: Senior Citizens

AMENDED DURING PASSAGE: Yes
Third reprint enacted

DATE OF PASSAGE: **ASSEMBLY:** December 15, 1994 Re-enacted 6-19-95
SENATE: February 9, 1995 Re-enacted 6-22-95

DATE OF APPROVAL: June 29, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[THIRD REPRINT]
ASSEMBLY, No. 1358

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 17, 1994

By Assemblyman WARSH

1 AN ACT establishing the "Domestic Companion Animal Council",
2 amending ³[P.L.1941, c.151 and]³ P.L.1983, c.172, and
3 supplementing Title 4 of the Revised Statutes.

4

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

7 1. (New section) a. There shall be established in, but not of,
8 the Department of Health, a Domestic Companion Animal
9 Council, which shall consist of ¹[11] 12¹ members, each of whom
10 shall be chosen with due regard to the individual's knowledge of
11 and interest in animal welfare, animal population control and the
12 public health and well-being as they relate to the breeding,
13 raising and nurturing of animals as domestic companion animals.

14 Each member shall be appointed by the Governor, with the
15 advice and consent of the Senate, as follows: two members shall
16 be appointed from persons recommended by the New Jersey
17 Veterinary Medical Association; one member shall be appointed
18 from persons recommended by the New Jersey Health Officers
19 Association; one member shall be appointed from persons
20 recommended by the New Jersey Certified Animal Control
21 Officers Association; one member shall be appointed from
22 persons recommended by the New Jersey Federation of Dog
23 Clubs, Inc.; one member shall be appointed from persons
24 recommended by the Cat Fanciers' Association; one member
25 shall be appointed from persons recommended by the New Jersey
26 Society for the Prevention of Cruelty to Animals; one member
27 shall be appointed from persons recommended by the Associated
28 Humane Societies; one member who shall be a volunteer at any
29 county animal shelter within the State; one member shall be a
30 representative of a volunteer animal rescue and welfare
31 organization;¹ and two members shall be appointed from persons
32 recommended by the Humane Society of the United States. Each
33 member shall be appointed for a term of four years and until the
34 member's successor is appointed and qualified.

35 Any member of the Domestic Companion Animal Council shall
36 be eligible for reappointment, but may be removed from office by
37 the Governor for cause.

38 Any vacancy occurring in the membership of the council for
39 any cause shall be filled in the same manner as the original
40 appointment but for the unexpired term only.

41 b. A majority of the membership of the council shall
42 constitute a quorum for the transaction of council business.

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 Assembly AEN committee amendments adopted May 5, 1994.

² Assembly floor amendments adopted June 20, 1994.

³ Assembly amendments adopted in accordance with Governor's
recommendations June 12, 1995.

1 Action may be taken and motions and resolutions adopted by the
2 council at any meeting thereof by the affirmative vote of a
3 majority of the full membership of the council.

4 c. The Governor shall appoint a chairman and the council may
5 appoint other officers as may be necessary. The council may
6 appoint staff or hire experts as it may require within the limits of
7 appropriations made for these purposes.

8 d. Members of the council shall serve without compensation,
9 but may be reimbursed for expenses necessarily incurred in the
10 discharge of their official duties.

11 e. The council may call to its assistance any employees as are
12 necessary and made available to it from any agency or
13 department of the State or its political subdivisions.

14 ³[f. The council may adopt, pursuant to the "Administrative
15 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in
16 consultation with the department, any rules and regulations
17 necessary to carry out its responsibilities set forth in this act
18 with respect to monitoring, studying, reviewing, and approving or
19 disapproving interfund transfers and with respect to the conduct
20 of the business of the council.

21 g.] f.³ For the purposes of this act, "domestic companion
22 animal" means any animal commonly referred to as a pet or one
23 that has been bought, bred, raised or otherwise acquired, in
24 accordance with local ordinances and State and federal law, for
25 the primary purpose of providing companionship to the owner,
26 rather than for business or agricultural purposes.

27 2. (New section) The Domestic Companion Animal Council
28 shall organize as soon as practicable after appointment of its
29 members.

30 The council shall:

31 a. Consult with and advise the Commissioner of the
32 Department of Health with respect to the work of the council;

33 b. Monitor, study and review the activities of the Animal
34 Population Control Program, established pursuant to P.L.1983,
35 c.172 (C.4:19A-1 et seq.), pilot clinics and funds therefor
36 established pursuant to P.L.1983, c.180 (C.4:19A-10 et seq.),
37 programs for the control of rabies and other programs related to
38 animals that the council deems relevant to its work, and hold
39 hearings with respect thereto as it may deem necessary or
40 desirable;

41 ³[c. Monitor, study, review, and approve or disapprove all
42 transfers of funds from the Animal Population Control Fund,
43 established pursuant to section 6 of P.L.1983, c.172 (C.4:19A-5),
44 to the fund for rabies control established pursuant to section 11
45 of P.L.1941, c.151 (C.4:19-15.11), or between any other programs
46 or funds within the Department of Health concerning domestic
47 companion animals;

48 d.] c.³ Report to the Governor and the Legislature annually,
49 and at such other times as it may deem in the public interest,
50 with respect to its findings and conclusions.

51 ³[3. (New section) No request shall be submitted by the
52 Department of Health to the Director of the Division of Budget
53 and Accounting in the Department of the Treasury for any
54 transfer of funds from the Animal Population Control Fund,

1 established pursuant to section 6 of P.L.1983, c.172 (C.4:19A-5),
2 to the fund for rabies control, established pursuant to section 11
3 of P.L.1941, c.151 (C.4:19-15.11), or for any transfer of funds
4 between any other programs or funds within the Department of
5 Health concerning domestic companion animals, without the prior
6 approval of the council. The department shall submit the
7 proposed transfer to the council, and, within 30 days, the council
8 shall review the proposed transfer and return its decision of
9 approval or disapproval, in writing, to the department. If the
10 council fails to respond in writing within 30 days, the transfer
11 request shall be deemed to be approved by the council. If the
12 transfer is disapproved by the council, the department may
13 modify and resubmit the proposed transfer to the council for
14 reconsideration. Upon approval of the transfer by the council,
15 the department may then submit the transfer request, along with
16 the written approval of the council, to the Director of the
17 Division of Budget and Accounting for consideration.]³

18 ³[4. Section 11 of P.L.1941, c.151 (C.4:19-15.11) is amended to
19 read as follows:

20 11. License fees and other moneys collected or received under
21 the provisions of sections 3, 8, 9 and 16 of this act, except
22 registration tag fees, shall be forwarded to the treasurer of the
23 municipality within 30 days after collection or receipt and shall
24 be placed in a special account separate from any of the other
25 accounts of the municipality and shall be used for the following
26 purposes only; for collecting, keeping and disposing of dogs liable
27 to seizure under this act or under local dog control ordinances;
28 for local prevention and control of rabies; for providing antirabic
29 treatment under the direction of the local board of health for any
30 person known or suspected to have been exposed to rabies, for
31 payment of damage to or losses of poultry and domestic animals,
32 except dogs and cats, caused by a dog or dogs and for
33 administering the provisions of this act. Any unexpended balance
34 remaining in such special account shall be retained therein until
35 the end of the third fiscal year following and may be used for any
36 of the purposes set forth in this section. At the end of the said
37 third fiscal year following, and at the end of each fiscal year
38 thereafter, there shall be transferred from such special account
39 to the general funds of the municipality any amount then in such
40 account which is in excess of the total amount paid into said
41 special account during the last 2 fiscal years next preceding.

42 The registration tag fee for each dog shall be forwarded within
43 30 days after collection by the clerk or other official designated
44 to license dogs to the State Department of Health which
45 department shall forward said sum to the State Treasurer who
46 shall place all such moneys in a special account for use only by
47 the State Department of Health in administering this act and for
48 the prevention and control of rabies throughout the State, and
49 such account is hereby declared to be a trust fund not subject to
50 legislative appropriation. At the end of the third fiscal year
51 following the adoption of this act and at the end of each fiscal
52 year thereafter, there shall be withdrawn from this trust fund and
53 transferred to the general funds of the State any amount then in
54 such fund which is in excess of the total amount paid into such

- 1 fund during the last 2 fiscal years next preceding.
- 2 No funds shall be transferred from the Animal Population
3 Control Fund, established pursuant to section 6 of P.L.1983, c.172
4 (C.4:19A-5), or from any other program or fund within the
5 Department of Health concerning domestic companion animals,
6 into the account established by this section unless the transfer
7 has been approved pursuant to section 3 of P.L. , c. (C.)
8 (now before the Legislature as this bill). For the purposes of this
9 section, "domestic companion animal" means any animal
10 commonly referred to as a pet or one that has been bought, bred,
11 raised or otherwise acquired, in accordance with local ordinances
12 and State and federal law, for the primary purpose of providing
13 companionship to the owner, rather than for business or
14 agricultural purposes.
15 (cf: P.L.1981, c.235, s.3)]³
- 16 ³[5.] 3.³ Section 6 of P.L.1983, c.172 (C.4:19A-5) is amended
17 to read as follows:
- 18 6. a. The commissioner may solicit and accept funds from any
19 public or private source to help carry out the provisions of
20 P.L.1983, c.172 (C.4:19A-1 et al.) .
- 21 b. All fees collected pursuant to section 1 of P.L.1983, c.172
22 (C.4:19-15.3b) and sections 3 and 4 of P.L.1983, c.172
23 (C.43:19A-2 and C.4:19A-3), all moneys from the application and
24 renewal fees collected for animal welfare license plates issued
25 pursuant to P.L.1993, c.184 (C.39:3-27.55 et seq.), and all moneys
26 received pursuant to subsection a. of this section, shall be placed
27 in a special fund to be known as the "Animal Population Control
28 Fund," which shall be separate from the General State Fund. All
29 moneys in the "Animal Population Control Fund" shall be used by
30 the commissioner exclusively for the implementation and
31 promotion of the program and for the costs associated with the
32 administration of P.L.1983, c.172 (C.4:19A-1 et al.), except as
33 provided in subsection c. of this section.
- 34 c. Moneys deposited into the fund generated by the collection
35 of application ²[and renewal]² fees for animal welfare license
36 plates issued pursuant P.L.1993, c.184 (C.39:3-27.55 et seq.) shall
37 be utilized by the commissioner to reimburse the Division of
38 Motor Vehicles for all costs incurred by the division, as certified
39 by the director, of producing, issuing, renewing, and publicizing
40 the availability of animal welfare license plates.
- 41 No moneys deposited in the "Animal Population Control Fund,"
42 established in subsection b. of this section, except for the moneys
43 generated by the collection of application ²[and renewal]² fees
44 for animal welfare license plates issued pursuant to P.L.1993,
45 c.184 (C.39:3-27.55 et seq.), shall be utilized by the Department
46 of Health or the Division of Motor Vehicles for any expenses,
47 administrative or otherwise, related to the animal welfare license
48 plates, or the advertising and publicizing thereof, including, but
49 not limited to notices, posters and signs to be circulated or
50 posted by the department or the division.
- 51 d. The director shall annually certify to the commissioner the
52 average cost per license plate incurred in the immediately
53 preceding year by the division in producing, issuing, renewing, and
54 publicizing the availability of animal welfare license plates. The

1 annual certification of the average cost per license plate shall be
2 approved by the Joint Budget Oversight Committee, or its
3 successor.

4 e. In the event that the average cost per license plate as
5 certified by the director and approved by the Joint Budget
6 Oversight Committee, or its successor, is greater than the \$50
7 application fee established in subsection b. of section 1 of
8 P.L.1993, c.184 (C.39:3-27.55) in two consecutive fiscal years,
9 the director may discontinue the issuance of animal welfare
10 license plates.

11 ³[f. No funds, other than the funds utilized to reimburse the
12 Division of Motor Vehicles as provided in subsection c. of this
13 section, shall be transferred from the fund established pursuant
14 to subsection b. of this section unless the transfer has been
15 approved pursuant to section 3 of P.L. , c. (C.) (now before
16 the Legislature as this bill).]³

17 (cf: P.L.1993, c.184, s.5)

18 ³[6.] 4.³ This act shall take effect 30 days following
19 enactment.

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24 Establishes "Domestic Companion Animal Council."

1 approved by the Joint Budget Oversight Committee, or its
2 successor.

3 e. In the event that the average cost per license plate as
4 certified by the director and approved by the Joint Budget
5 Oversight Committee, or its successor, is greater than the \$50
6 application fee established in subsection b. of section 1 of
7 P.L.1993, c.184 (C.39:3-27.55) in two consecutive fiscal years,
8 the director may discontinue the issuance of animal welfare
9 license plates.

10 f. No funds, other than the funds utilized to reimburse the
11 Division of Motor Vehicles as provided in subsection c. of this
12 section, shall be transferred from the fund established pursuant
13 to subsection b. of this section unless the transfer has been
14 approved pursuant to section 3 of P.L. , c. (C.) (now before
15 the Legislature as this bill).

16 (cf: P.L.1993, c.184, s.5)

17 6. This act shall take effect 30 days following enactment.

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STATEMENT

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22 This bill would establish the "Domestic Companion Animal
23 Council" in but not of the Department of Health. The
24 eleven-member council would be required to monitor, study,
25 review, and approve or disapprove all proposed transfers of funds
26 between domestic companion animal program funds in the
27 department, including the Animal Population Control Fund and
28 the fund established for rabies control. The bill defines
29 "domestic companion animal" as any animal commonly referred
30 to as a pet or one that has been bought, bred, raised or otherwise
31 acquired, in accordance with local ordinances and State and
32 federal law, for the primary purpose of providing companionship
33 to the owner, rather than for business or agricultural purposes.

34 The council would also be required to consult with and advise
35 the Commissioner of Health with respect to the work of the
36 council, study the programs related to animals that the council
37 deems relevant to its work and hold hearings with respect
38 thereto, and report to the Governor and the Legislature annually,
39 and at such other times as the council may deem in the public
40 interest, with respect to its findings and conclusions.

41 Finally, the bill would amend current law establishing the
42 Animal Population Control Fund and the fund to control rabies to
43 include language prohibiting transfers without the council's
44 approval. The bill further provides that moneys deposited in the
45 fund from application and renewal fees for animal license plates
46 be the only moneys in the fund used for the license plates, and
47 any expenses, administrative or otherwise, related to the license
48 plates, including any advertising or publicizing of the license
49 plates.

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54 Establishes "Domestic Companion Animal Council."

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1358

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 1994

The Assembly Environment and Energy Committee favorably reports Assembly Bill No. 1358 with Assembly committee amendments.

This bill would establish the "Domestic Companion Animal Council" in but not of the Department of Health. The eleven-member council would be required to monitor, study, review, and approve or disapprove all proposed transfers of funds between domestic companion animal program funds in the department, including the Animal Population Control Fund and the fund established for rabies control. The bill defines "domestic companion animal" as any animal commonly referred to as a pet or one that has been bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

The council would also be required to consult with and advise the Commissioner of Health with respect to the work of the council, study the programs related to animals that the council deems relevant to its work and hold hearings with respect thereto, and report to the Governor and the Legislature annually, and at such other times as the council may deem in the public interest, with respect to its findings and conclusions.

Finally, the bill would amend current law establishing the Animal Population Control Fund and the fund to control rabies to include language prohibiting transfers without the council's approval. The bill further provides that moneys deposited in the fund from the collection of application and renewal fees for animal welfare license plates shall be the only moneys in the fund used for the license plates and any expenses, administrative or otherwise, related to the license plates, including those associated with any advertising or publicizing of the license plates.

The Assembly Environment and Energy Committee amended the bill to add a representative of a volunteer animal rescue and welfare organization to the membership of the Domestic Companion Animal Council.

SENATE SENIOR CITIZENS, VETERANS AFFAIRS
AND AGRICULTURE COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 1358

STATE OF NEW JERSEY

DATED: JANUARY 12, 1995

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee reports without recommendation Assembly Bill No. 1358 (2R).

This bill would establish the "Domestic Companion Animal Council" in but not of the Department of Health. The twelve-member council would be required to monitor, study, review, and approve or disapprove all proposed transfers of funds between domestic companion animal program funds in the department, including the Animal Population Control Fund and the fund established for rabies control. The bill defines "domestic companion animal" as any animal commonly referred to as a pet or one that has been bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

The council would also be required to consult with and advise the Commissioner of Health with respect to the work of the council, study the programs related to animals that the council deems relevant to its work and hold hearings with respect thereto, and report to the Governor and the Legislature annually, and at such other times as the council may deem in the public interest, with respect to its findings and conclusions.

Finally, the bill would amend current law establishing the Animal Population Control Fund and the fund to control rabies to include language prohibiting transfers without the council's approval. The bill further provides that moneys deposited in the fund from the collection of application fees for animal welfare license plates shall be the only moneys in the fund used for the license plates and any expenses, administrative or otherwise, related to the license plates, including those associated with any advertising or publicizing of the license plates.

ASSEMBLY BILL NO. 1358
(SECOND REPRINT)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1358 (Second Reprint) with my recommendations for reconsideration.

A. Summary of Bill

Assembly Bill No. 1358 (Second Reprint) establishes a twelve-member "Domestic Companion Animal Council (Council)" in, but not of, the Department of Health (DOH). A "domestic companion animal" is basically defined as one that is commonly referred to as a pet, or an animal that has been bred or raised primarily to provide companionship to its owners.

The bill gives the Council the authority to review and approve or disapprove all transfers of funds by the DOH from the Animal Population Control Fund or from any other program or fund within the DOH that involves domestic companion animals. The bill specifies that the DOH shall not submit a request to the Department of the Treasury for such a transfer without first obtaining approval by the Council. Under the bill, the Council shall monitor and study the activities of the Animal Population Control Program and related pilot programs. It is authorized to hold hearings and also to adopt rules and regulations to carry out its responsibilities.

Finally, the bill prohibits the use of any moneys from the Animal Population Control Fund, except for those raised through application fees for animal welfare license plates, for any expenses or advertising related to the license plates.

B. Recommended Action

I agree with the Legislature and the proponents of this bill that animal population control poses an ongoing challenge. In April, 1994, I announced the establishment of the Animal Welfare License Plate initiative to provide a source of funding for the

Animal Population Control Program. I do not believe, however, that this legislation is an appropriate means of confronting this challenge.

This bill would set an undesirable precedent by elevating representatives of a particular interest group to a position from which they have the authority to approve or disapprove Executive Branch budget decisions. No analogous entity exists. Presently, only the Joint Budget Oversight Committee has the authority to block fund transfers. The Council would impinge on the ability of the Commissioner of the DOH and the State Treasurer to determine how to utilize appropriated funds. Further, the Council could use this broad budgetary authority to significantly influence public health policy without the checks and balances that exist in the normal political process. Therefore, I recommend eliminating the authority of the Council under this bill to approve or disapprove fund transfers.

I nevertheless recognize that statutory recognition of such a Council would emphasize the significance of the challenge of animal population control. Thus, I recommend changing the Council to an advisory entity. This advisory council would have a mandate to monitor, study and review the activities of the Animal Population Control Program and provide advice to the Governor, the DOH and the Legislature. The State would benefit from the expertise of the Advisory Council.

Therefore, I herewith return Assembly Bill No. 1358 (Second Reprint) and recommend that it be amended as follows:

<u>Page 1, Title, Line 2:</u>	Delete "P.L.1941, c. 151 and"
<u>Page 2, Section 1, Lines 13-19:</u>	Delete in entirety
<u>Page 2, Section 1, Line 20:</u>	Delete "g." and insert "f."
<u>Page 2, Section 2, Lines 40-46:</u>	Delete in entirety

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT
3

Page 2, Section 2, Line 47: Delete "d." and insert "c."
Page 2, Section 3, Lines 50-54: Delete in entirety
Page 3, Section 3, Lines 1-16: Delete in entirety
Page 3, Section 4, Lines 17-54: Delete in entirety
Page 4, Section 4, Lines 1-14: Delete in entirety
Page 4, Section 5, Line 15: Delete "5." and insert "3."
Page 5, Section 5, Lines 8-14: Delete in entirety
Page 5, Section 6, Line 15: Before "This" delete "6." and
insert "4."

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest

/s/ Margaret M. Foti

Chief Counsel to the Governor