

SENATE, No. 3835

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senator Holzapfel

SYNOPSIS

Requires transfer of certain excess animal control funds to prosecutors, municipalities, police departments, and Police Training Commission for enforcement of animal cruelty laws and training of humane law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2021)

1 **AN ACT** concerning the distribution and use of unexpended animal
2 control funds held in certain State and municipal special
3 accounts, and amending P.L.1941, c.151, P.L.1983, c.181, and
4 P.L.2017, c.189.

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

8
9 1. Section 11 of P.L.1941, c.151 (C.4:19-15.11) is amended to
10 read as follows:

11 11. a. License fees and other moneys collected or received
12 under the provisions of sections 3, 8, 9 and 16 of P.L.1941, c.151
13 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16), except
14 registration tag fees, shall be forwarded to the treasurer of the
15 municipality within 30 days after collection or receipt and shall be
16 placed in a special account separate from any of the other accounts
17 of the municipality and shall be used for the following purposes
18 only: for collecting, keeping and disposing of dogs liable to seizure
19 under P.L.1941, c.151 (C.4:19-15.1 et seq.) or under local dog
20 control ordinances; for local prevention and control of rabies; for
21 providing antirabic treatment under the direction of the local board
22 of health for any person known or suspected to have been exposed
23 to rabies; for payment of damage to or losses of poultry and
24 domestic animals, except dogs and cats, caused by a dog or dogs;
25 for compliance with the requirements of subsection b. of section 6
26 of P.L.2017, c.189 (C.4:22-17.6); and for administering the
27 provisions of P.L.1941, c.151 (C.4:19-15.1 et seq.).

28 b. Any unexpended balance remaining in the special account
29 established pursuant to subsection a. of this section shall be retained
30 therein until the end of the third fiscal year following, and may be
31 used for any of the purposes set forth in subsection a. of this
32 section. **【At】** Except as otherwise provided by subsection c. of this
33 section, at the end of the third fiscal year following, and at the end
34 of each fiscal year thereafter, there shall be transferred, from the
35 special account to the general funds of the municipality, any amount
36 then in the special account which is in excess of the total amount
37 paid into the special account during the last two fiscal years next
38 preceding.

39 c. (1) At the end of each municipal fiscal year following the
40 effective date of P.L. , c. (C.) (pending before the
41 Legislature as this bill), any amount remaining in the special
42 account established pursuant to subsection a. of this section, which
43 is in excess of the total amount paid into the special account during
44 the last two fiscal years next preceding, shall be transmitted to the

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.

1 county prosecutor's office in the county in which the municipality
2 is located.

3 (2) Of the total amount transmitted to the county prosecutor's
4 office pursuant to paragraph (1) of this subsection, 40 percent shall
5 be retained by the county prosecutor's office and 60 percent shall
6 be equally distributed among, and transmitted to, the various
7 municipalities in the county.

8 (3) The county prosecutor shall be authorized to provide for the
9 transfer or transmittal of monies received under this subsection to
10 the appropriate accounts or funds, as may be necessary to effectuate
11 the purposes of this subsection.

12 d. (1) The registration tag fee for each dog shall be forwarded,
13 within 30 days after collection by the clerk or other official
14 designated to license dogs, to the [State] Department of Health,
15 which department shall, in turn, forward the sum to the State
16 Treasurer, who shall place all such moneys in a special account for
17 use only by the [State] Department of Health in administering
18 P.L.1941, c.151 (C.4:19-15.1 et seq.) and for the prevention and
19 control of rabies throughout the State[, and such].

20 (2) The special account established pursuant to this subsection is
21 hereby declared to be a trust fund, which shall not be subject to
22 legislative appropriation. [At]

23 (3) Except as otherwise provided by subsection e. of this
24 section, at the end of the third fiscal year following the adoption of
25 P.L.1941, c.151 (C.4:19-15.1 et seq.), and at the end of each fiscal
26 year thereafter, there shall be withdrawn from this trust fund and
27 transferred, to the general funds of the State, any amount then in the
28 trust fund, which is in excess of the total amount paid into the trust
29 fund during the last two fiscal years next preceding.

30 e. (1) At the end of each State fiscal year following the
31 effective date of P.L. , c. (C.) (pending before the
32 Legislature as this bill), any amount in the trust fund established
33 pursuant to subsection d. of this section, which is in excess of the
34 total amount paid into the trust fund during the last two fiscal years
35 next preceding, shall be transmitted to the Superintendent of State
36 Police.

37 (2) Of the total amount transmitted to the Superintendent of
38 State Police pursuant to paragraph (1) of this subsection: (a) 40
39 percent shall be retained by the Division of State Police in the
40 Department of Law and Public Safety; (b) 50 percent shall be
41 equally distributed among, and transmitted to, the chief humane law
42 enforcement officer in each county throughout the State, who shall,
43 in turn, equally distribute, and transmit, the monies received thereby
44 to the chief law enforcement officer in each municipality within the
45 county, for use by the municipal humane law enforcement officers
46 appointed by each such municipality pursuant to section 26 of
47 P.L.2017, c.331 (C.4:22-14.2); and (c) 10 percent shall be

1 transmitted to the Law Enforcement Training and Equipment Fund
2 for use by the Police Training Commission.

3 (3) The Superintendent of State Police and the chief humane law
4 enforcement officer of each county may provide for the transfer or
5 transmittal of monies received under this subsection to the
6 appropriate accounts or funds, as may be necessary to effectuate the
7 purposes of this subsection.

8 f. Any monies that are transferred from the State or municipal
9 special funds, as provided by subsections c. and e. of this section,
10 except monies that are transferred to the Law Enforcement Training
11 and Equipment Fund pursuant to subsection e. of this section, shall
12 be used by the recipients thereof only for the purposes of offsetting
13 the costs of, and otherwise facilitating and supporting, the
14 enforcement of the State's animal cruelty laws within the county,
15 municipality, or State, as the case may be, including the
16 investigation and prosecution of animal cruelty offenses and the
17 performance of necropsies on deceased animals. Any monies that
18 are transferred to the Law Enforcement Training and Equipment
19 Fund, pursuant to subsection e. of this section, shall be used by the
20 State Police Training Commission only for the purposes of
21 offsetting the costs of, and otherwise facilitating and supporting, the
22 training that is provided to humane law enforcement officers in the
23 State.

24 (cf: P.L.2017, c.189, s.10)

25
26 2. Section 1 of P.L.1983, c.181 (C.4:19-15.3c) is amended to
27 read:

28 1. In addition to the fee charged pursuant to section 3 of
29 P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of
30 Health pursuant to subsection d. of section 11 of P.L.1941, c.151
31 (C.4:19-15.11), any person applying for the license and registration
32 tag pursuant to section 2 of P.L.1941, c.151 (C.4:19-15.2) shall pay
33 an additional fee of \$0.20 for any dog.

34 All fees collected pursuant to the provisions of this section shall
35 be forwarded to the State Treasurer to be placed in the "Pilot Clinic
36 Fund" created pursuant to P.L.1983, c.180 (C.4:19A-10 et seq.), to
37 be used by the Commissioner of Health for the operation of the
38 animal sterilization pilot clinic established pursuant to that act.

39 (cf: P.L.1983, c. 181, s.1)

40
41 3. Section 6 of P.L.2017, c.189 (C.4:22-17.6) is amended to
42 read:

43 6. a. The Department of Health, in consultation with the
44 Attorney General, shall:

45 (1) provide to each municipality, in writing, sufficient copies of;
46 (a) **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.), R.S.4:22-17,
47 and R.S.4:22-26; (b) a plain language description of the provisions

1 and requirements thereof; and (c) a plain language description of
2 how to comply with those provisions and requirements; and

3 (2) post on its website the materials enumerated in paragraph (1)
4 of this subsection.

5 b. Each municipality shall:

6 (1) provide the materials enumerated in and provided pursuant
7 to subsection a. of this section, along with any other information
8 deemed relevant by the municipality, to each person obtaining a
9 license for a dog at the time of licensing; and

10 (2) post on its website the materials enumerated in and provided
11 pursuant to subsection a. of this section.

12 **【The】** c. A municipality may pay any cost that is incurred
13 **【by】** thereby, as a result of complying with the requirements of this
14 subsection **【with】**, using fees that are forwarded to the treasurer of
15 the municipality pursuant to subsection a. of section 11 of P.L.1941,
16 c.151 (C.4:19-15.11).

17 (cf: P.L.2017, c.189, s.6)

18
19 4. This act shall take effect immediately.
20
21

22 STATEMENT

23
24 This bill amends current law to provide for certain excess monies
25 collected from animal license fees and other fees imposed under
26 animal control statutes, which are deposited in special accounts
27 established and held by a municipality or by the State, pursuant to
28 section 11 of P.L.1941, c.151 (C.4:15-19.11), to be transmitted,
29 respectively, to the county prosecutor's office or to the
30 Superintendent of State Police for the enforcement and prosecution
31 of the State's animal cruelty laws.

32 Current law provides that any unexpended balance remaining in
33 these special accounts may be retained in those accounts until the
34 end of the third fiscal year following; however, the law further
35 provides that, at the end of the following third fiscal year, and at the
36 end of each fiscal year thereafter, any amount then remaining in the
37 State or municipal special account, which amount is in excess of the
38 total amount paid into the special account during the last two fiscal
39 years next preceding, is to be transferred, respectively, to the State's
40 general fund or to the general fund of the municipality.

41 The bill provides that, commencing on the bill's effective date,
42 instead of transmitting excess funds to the State or municipal
43 general fund: 1) any excess funds remaining in a municipality's
44 special account are to be transmitted to the county prosecutor's
45 office in the county where the municipality is located; and 2) any
46 excess funds remaining in the State special account are to be
47 transmitted to the Superintendent of State Police.

1 The bill specifies that, of the total amount transmitted to the
2 county prosecutor's office under the bill, 40 percent is to be
3 retained by the county prosecutor's office and 60 percent is to be
4 equally distributed among, and transmitted to, the various
5 municipalities in the county. The bill further specifies that, of the
6 total amount transmitted to the Superintendent of State Police under
7 the bill: 40 percent is to be retained by the Division of State Police
8 in the Department of Law and Public Safety; 50 percent is to be
9 equally distributed among, and transmitted to, the chief humane law
10 enforcement officer of each county throughout the State, who will
11 then be required, in turn, to equally distribute, and transmit, the
12 amount received thereby to the chief law enforcement officer of
13 each municipality in the county, for use by the municipal humane
14 law enforcement officers appointed by the municipality; and 10
15 percent is to be transmitted to the Law Enforcement Training and
16 Equipment Fund for use by the Police Training Commission.

17 The bill provides that: 1) any monies that are transferred, under
18 the bill, from the State or municipal special funds, except those
19 monies that are transferred to the Law Enforcement Training and
20 Equipment Fund, are to be used exclusively for the purposes of
21 offsetting the costs of, and otherwise facilitating and supporting, the
22 enforcement of the State's animal cruelty laws within the county,
23 municipality, or State, as the case may be, including the
24 investigation and prosecution of animal cruelty offenses and the
25 performance of necropsies on deceased animals; and 2) any monies
26 that are transferred to the Law Enforcement Training and
27 Equipment Fund are to be used by the State Police Training
28 Commission exclusively for the purposes of offsetting the costs of,
29 and otherwise facilitating and supporting, the training that is
30 provided to humane law enforcement officers in the State.

31 The bill authorizes the county prosecutor, the Superintendent of
32 State Police, and the chief humane law enforcement officer of a
33 county to provide for the transfer of any monies transmitted thereto
34 to the appropriate county, municipal, or State accounts, as may be
35 necessary to facilitate the purposes specified by the bill.