

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

May 12, 2011

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1643
(Fourth Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Committee Substitute for Senate Bill No. 1643 (Fourth Reprint) with my recommendations for reconsideration.

This bill would require that all cats and dogs adopted from various facilities be sterilized. This bill would also update the current law regarding impoundment, clarifying the types of individuals who are permitted to impound animals, and the different types of facilities where animals can be housed. While I recognize the sponsors' efforts to reduce pet overpopulation and animal homelessness, this bill will result in increased costs to counties and municipalities without any identifiable source of revenue to implement these new responsibilities. Moreover, imposing stringent mandatory fees on individuals seeking to adopt unwanted animals, including a surcharge on owners seeking to reclaim their lost pets, may create a chilling effect upon animal adoption throughout the State. As a result, the bill is unlikely to yield its intended benefits and requires amendment.

According to the American Society for the Prevention of Cruelty to Animals (ASPCA), millions of cats and dogs are euthanized each year, or suffer as strays, because of unplanned litters that could have been prevented through sterilization. The Monmouth County SPCA estimates that a single stray cat can give birth to twelve kittens in one year alone. While it is a laudable purpose to seek ways to prevent unnecessary animal suffering and death, we cannot do so at the expense of local

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governments, particularly with limited information as to the anticipated efficacy of such a program.

A more efficient and reasonable approach is to evaluate this proposal to address animal overpopulation in volunteering municipalities. Such an approach recognizes the limited resources available to many local governments, and permits those whose citizens wish to devote their resources to animal welfare to participate. Accordingly, I recommend the bill be amended to allow the Department of Health and Senior Services to establish a Pet Sterilization Pilot Program, allowing for the voluntary participation of select communities to carefully assess the potential effectiveness of the program proposed in this legislation. The Program will assist in developing a review of the costs associated with implementing the Program, and inform the decision as to whether the Program should be extended State-wide. My recommendations would require the Department of Health and Senior Services to report its findings and recommendations on the Program to the Governor and the Legislature no later than two years after the Program becomes fully operative. Finally, I recommend clarifying certain definitions in the bill to ensure proper compliance.

Accordingly, I herewith return Senate Committee Substitute for Senate Bill No. 1643 (Fourth Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 15:
After "care for" delete
"seemingly unowned or
unwanted" and insert
"homeless"

Page 3, Section 1, Line 20:
After "housed and
distributed." insert
"Sterilize" shall mean
to render an animal
incapable of reproducing
by either spaying or
neutering. "Stray
animal" shall mean a
domestic animal that is
off the owner's property

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and not under the direct control of the owner or person charged with the care of the animal."

Page 10, Section 2, Line 19: After "(2) Any dog" insert "or other animal"

Page 10, Section 2, Line 20: After "care of the dog" insert "or other animal"

Page 10, Section 2, Line 21: After "its collar" insert "or elsewhere"

Page 10, Section 2, Line 36: After "registration tag," insert "or has a microchip with an identification number that can be traced to the owner or person charged with the care of the animal,"

Page 11, Section 2, Line 7: After "harness" insert "or microchip identification"

Page 11, Section 2, Line 10: After "the collar or harness" insert "or microchip identification"

Page 11, Section 2, Lines 12-46: Delete in their entirety

Page 12, Section 2, Lines 1-47: Delete in their entirety

Page 13, Section 2, Lines 1-32: Delete in their entirety

Page 13, Line 33: Insert new section 3 to read as follows:

"3. (New Section) a.
The Department of Health and Senior Services shall develop a pilot program to be known as the "Pet Sterilization Program," or "Program." The Program shall be established in a county or counties with significant animal overpopulation issues, which is selected by the Commissioner of the Department of Health and Senior Services, and which agrees to participate in the Program. All pounds, shelters, or kennels operating as a shelter or pound located in such county or counties shall participate in the Program. The Program shall operate for a duration of at least two years. Not later than

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two years after the Program is established and becomes operative, the Commissioner shall submit a written report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, which shall contain information on the implementation of the Program and shall include the recommendation of the Commissioner of the Department of Health and Senior Services on the feasibility of implementing the Program on a Statewide basis.

b. Pursuant to the Program, a pound, shelter, or kennel operating as a shelter or pound receiving an animal from a certified animal control officer pursuant to subsection a. of section 16 of P.L.1941, c.151, (C.4:19-15.16), or from any other individual, group, or organization, shall hold the animal for at least seven days before offering it for adoption, or euthanizing, relocating, or sterilizing the animal, except if:

(1) the animal is surrendered voluntarily by its owner to the pound, shelter, or kennel operating as a shelter or pound;

(2) the age, health, or other care needs of the animal require the pound, shelter, or kennel operating as a shelter or pound to place it in an animal rescue facility, foster home, or other facility, licensed or otherwise; or

(3) the animal is suspected of being rabid, in which case the animal shall immediately be reported to the executive officer of the local board of health and to the Department of Health and Senior Services, and shall be

quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health and Senior Services for such animals.

c. If a pound, shelter, or kennel operating as a shelter or pound is not required to hold an animal for at least seven days pursuant to subsection b. of this section, the pound, shelter, or kennel operating as a shelter or pound:

(1) Shall offer the animal for adoption for at least seven days before euthanizing it, unless the animal is deemed by a licensed veterinarian to be terminally ill and therefore should be euthanized for humane reasons; or

(2) May transfer the animal to an animal rescue organization facility or a foster home prior to offering it for adoption if such a transfer is determined to be in the best interest of the animal by the pound, shelter, or kennel operating as a shelter or pound.

d. Except as otherwise provided for under subsections b. and c. of this section, no pound, shelter, or kennel operating as a shelter or pound receiving an animal from a certified animal control officer may transfer the animal to an animal rescue organization facility or a foster home until the pound, shelter, or kennel operating as a shelter or pound has held the animal for at least seven days."

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Page 16, Section 3, Lines 1-47:

Delete in their entirety

Page 17, Section 3, Lines 1-10:

Delete in their entirety

Page 17, Section 4, Line 12:

After "(New Section) a."
delete "A" and insert
"Pursuant to the
Program, a"

Page 17, Section 4, Line 15:

After "(1) the cat or
dog" delete "cannot be
sterilized because it is
too"

Page 17, Section 4, Line 16:

Delete "young" and
insert "is less than six
months old"

Page 17, Section 4, Line 16:

Delete "of not less
than"

Page 17, Section 4, Line 17:

Delete "\$100. The
amount of the refundable
deposit may" and insert
", the amount of which
is to"

Page 17, Section 4, Lines 19-20:

After "rescue
organization facility"
delete ", provided that
the deposit is not less
than \$100."

Page 17, Section 4, Line 33:

After "this section if,
within" delete "90" and
insert "180"

Page 17, Section 4, Lines 37-38:

After "for reasons other
than" delete "the cat or
dog is too young to be
sterilized" and insert
"age"

Page 17, Section 4, Line 43:

After "reasons other
than" delete "being too
young" and insert "age"

Page 18, Section 4, Lines 1-2:

After "for reasons other
than" delete "the cat or
dog is too young to be
sterilized" and insert
"age"

Page 18, Section 5, Line 8:

After "rescue
organization facility
shall" insert ", if the
identity of the owner is
not known,"

Page 18, Section 5, Line 12:

After "or dog for
adoption," delete
"transferring it" and
insert "transfer"

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Page 18, Section 5, Line 13:

After "or foster home,
or" delete "euthanizing"
and insert "euthanasia
of"

Page 18, Section 5, Line 15:

After "rescue
organization facility
shall" insert ", if the
identity of the owner is
not known,"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor