

ASSEMBLY, No. 594

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

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District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblyman Bramnick

SYNOPSIS

Revises law concerning disposition of assets of a county society for the prevention of cruelty to animals that has dissolved or has had its charter revoked, canceled, or suspended.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the assets of county societies for the prevention
2 of cruelty to animals and amending and supplementing P.L.2005,
3 c.372.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 4 of P.L.2005, c.372 (C.4:22-11.4) is amended to
9 read as follows:

10 4. The board of trustees of the New Jersey Society for the
11 Prevention of Cruelty to Animals shall:

12 a. Establish any bylaws or regulations as may be deemed
13 necessary for governance and operation of the New Jersey Society
14 for the Prevention of Cruelty to Animals;

15 b. Promote the interests of, and protect and care for, animals
16 within the State;

17 c. Have the authority to grant county society for the prevention
18 of cruelty to animals charters for the formation of county societies
19 for the prevention of cruelty to animals in a county;

20 d. Have the authority, upon a majority vote of the board of
21 trustees, to revoke, cancel, or suspend the charter of a county
22 society for the prevention of cruelty to animals for the cause of
23 failing to comply with any requirement of this act pertaining to the
24 establishment or operation of a county society;

25 e. Appoint agents for enforcing all laws and ordinances enacted
26 for the protection of animals and for the investigation of alleged
27 acts of cruelty to animals within the State; appoint agents for
28 commission as humane law enforcement officers in accordance with
29 the provisions of sections 9 and 10 of P.L.2005, c.372 (C.4:22-11.9
30 and C.4:22-11.10) for the purpose of enforcing all laws and
31 ordinances enacted for the protection of animals and for the
32 investigation of alleged acts of cruelty to animals within the State;
33 appoint a Chief Humane Law Enforcement Officer from among the
34 appointed humane law enforcement officers; and adopt a badge
35 which shall be authority for making arrests;

36 f. Establish, or make arrangements for the provision of,
37 mandatory annual training courses for all humane law enforcement
38 officers and agents of the New Jersey Society for the Prevention of
39 Cruelty to Animals and of the county societies, which courses shall
40 be subject to the approval of the Police Training Commission;

41 g. Make, alter, and use a common seal;

42 h. Have the authority to sue and be sued in all courts, and all
43 actions brought by or against the New Jersey Society for the
44 Prevention of Cruelty to Animals shall be in its corporate name;

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 i. Purchase and hold any real estate as may be expedient for
2 the advancement of the purposes of the New Jersey Society for the
3 Prevention of Cruelty to Animals, and take by devise or gift all real
4 estate or personal property that is devised or given to it, or to a
5 county society in a county where a chartered county society does
6 not exist, without regard to value. The title to any real estate shall
7 be taken in the corporate name of the society; and

8 j. **【Hold in escrow any assets, after payment of any**
9 **outstanding debts, of a county society that dissolves or has its**
10 **charter revoked, canceled, or suspended for any reason until a new**
11 **county society for that county is formed and chartered or the**
12 **revoked, canceled, or suspended charter for the county is restored,**
13 **at which time the board of trustees shall transfer those assets to the**
14 **newly formed and chartered county society or the county society**
15 **whose revoked, canceled, or suspended charter has been restored, as**
16 **the case may be; and】** (Deleted by amendment, P.L. ____, c. __)
17 (pending before the Legislature as this bill)

18 k. Assist persons in counties without a chartered county society
19 to obtain a charter.

20 (cf: P.L.2005, c.372, s.4)

21
22 2. Section 7 of P.L.2005, c.372 (C.4:22-11.7) is amended to
23 read as follows:

24 7. A county society for the prevention of cruelty to animals
25 continued or established in accordance with section 6 of P.L.2005,
26 c.372 (C.4:22-11.6) shall:

27 a. Elect its own board of trustees from the members of the
28 county society for the prevention of cruelty to animals who reside
29 within the county or who choose to be affiliated with that county
30 society;

31 b. Establish bylaws or regulations necessary for the governance
32 and operation of the county society;

33 c. Enforce all laws and ordinances enacted for the protection of
34 animals;

35 d. Promote the interests of, and protect and care for, animals
36 within the State;

37 e. Appoint agents for enforcing all laws and ordinances enacted
38 for the protection of animals and for the investigation of alleged
39 acts of cruelty to animals within the State; appoint up to, but not
40 more than, three agents for commission as humane law enforcement
41 officers in accordance with the provisions of sections 9 and 10 of
42 P.L.2005, c.372 (C.4:22-11.9 and C.4:22-11.10) for the purpose of
43 enforcing all laws and ordinances enacted for the protection of
44 animals and for the investigation of alleged acts of cruelty to
45 animals within the State, and, with the concurrence of the county
46 prosecutor, authorize the commission of such additional humane
47 law enforcement officers over that established maximum as may be
48 necessary based upon population or the number, degree, or

1 complexity of animal cruelty complaints; and appoint a Chief
2 Humane Law Enforcement Officer from among the appointed
3 humane law enforcement officers;
4 f. Investigate alleged acts of cruelty to animals and, when
5 necessary, request legal assistance from the office of the appropriate
6 county or municipal prosecutor, which the county or municipal
7 prosecutor, as the case may be, shall make every reasonable effort
8 to provide;
9 g. Adopt a badge, which shall be authority for making arrests
10 and which shall be easily distinguishable from the badge adopted by
11 the New Jersey Society for the Prevention of Cruelty to Animals;
12 h. Have the authority to sue and be sued in all courts, and all
13 actions brought by or against the county society shall be in its
14 corporate name; **[and]**
15 i. Purchase and hold any real estate as may be expedient for
16 the advancement of the purposes of the county society, and take by
17 devise or gift all real estate or personal property that is devised or
18 given to it, without regard to value. The title to any real estate shall
19 be taken in the corporate name of the county society ; and
20 j. Provide in its bylaws for the disposition, after payment of
21 any outstanding debts, of its assets should it dissolve or have its
22 charter revoked, canceled, or suspended for any reason, to the
23 Coalition of County SPCAs for distribution by the coalition to an
24 appropriate entity or entities within the same county with a similar
25 mission or purpose of promoting the interests of, and protecting and
26 caring for, animals .
27 (cf: P.L.2005, c.372, s.7)

28
29 3. (New section) a. If a county society for the prevention of
30 cruelty to animals shall dissolve or have its charter revoked,
31 canceled, or suspended for any reason, the assets of the county
32 society shall be disposed of as provided by the applicable bylaws of
33 the county society adopted for that purpose pursuant to subsection j.
34 of section 7 of P.L.2005, c.372 (C.4:22-11.7).

35 b. The New Jersey Society for the Prevention of Cruelty to
36 Animals shall have (1) no claim whatsoever to the assets of any
37 county society, and (2) no authority to determine the disposition of
38 the assets of any county society that has dissolved or has had its
39 charter revoked, canceled, or suspended for any reason.

40
41 4. This act shall take effect immediately.
42
43

44 STATEMENT

45
46 This bill would revise the law concerning the disposition of
47 assets of a county society for the prevention of cruelty to animals

1 (county society) that has dissolved or has had its charter revoked,
2 canceled, or suspended.

3 Specifically, this bill would require each county society to
4 provide in its bylaws for the disposition, after payment of any
5 outstanding debts, of its assets should it dissolve or have its charter
6 revoked, canceled, or suspended for any reason, to the Coalition of
7 County SPCAs for distribution by the coalition to an appropriate
8 entity or entities within the same county with a similar mission of
9 promoting the interests of, and protecting and caring for, animals.
10 The bill would require the assets of a county society that is
11 dissolved or has its charter revoked, cancelled, or suspended, to be
12 disposed of as provided by the applicable bylaws adopted for that
13 purpose, and it would further specify that the New Jersey Society
14 for the Prevention of Cruelty to Animals has (a) no claim
15 whatsoever to the assets of such county society, and (b) no authority
16 to determine the disposition of the county society's assets.