

COMMITTEE STATEMENT:

ASSEMBLY: No

SENATE: Yes

Identical to Senate Statement for A1152

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

See: New York pet trust fund law (EPTL 7-6.1)

ASSEMBLY, No. 1152

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman E. SCOTT GARRETT

District 24 (Sussex, Hunterdon and Morris)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Assemblymen Bateman and Cottrell

SYNOPSIS

Recognizes validity of trust funds for pets.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/13/2000)

1 AN ACT concerning certain trusts and supplementing Title 3B of the
2 New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. A trust for the care of a domesticated animal is valid. The
8 intended use of the principal or income may be enforced by a person
9 designated for that purpose in the trust instrument, a person appointed
10 by the court, or a trustee. The trust shall terminate when no living
11 animal is covered by the trust, or at the end of 21 years, whichever
12 occurs earlier.

13 b. Except as expressly provided otherwise in the trust instrument,
14 no portion of the trust's principal or income may be converted to the
15 use of the trustee or to any use other than for the benefit of the animal
16 designated in the trust.

17 c. Upon termination of the trust, the trustee shall transfer the
18 unexpended trust property as directed in the trust instrument. If no
19 directions for such transfer exist, the property shall pass to the estate
20 of the creator of the trust.

21 d. The court may reduce the amount of the property transferred if
22 it determines that the amount substantially exceeds the amount
23 required for the intended use. The amount of any reduction shall be
24 transferred as directed in the trust instrument or, if no such directions
25 are contained in the trust instrument, to the estate of the creator of the
26 trust.

27 e. If no trustee is designated or if no designated trustee is willing
28 or able to serve, a court shall appoint a trustee and may make such
29 other orders and determinations as are advisable to carry out the intent
30 of the creator of the trust and the purpose of this act.

31
32 2. This act shall take effect immediately.

33

34

35 STATEMENT

36

37 This bill would clarify that a trust established for the care of a pet
38 is valid in this State. The bill is modeled on a statute enacted in the
39 State of New York by P.L. 1996, c.159.

40 This bill provides that the intended use of the principal or income
41 may be enforced by a person designated for that purpose in the trust
42 instrument, a person appointed by the court, or a trustee.

43 Upon termination of the trust, the trustee shall transfer the
44 unexpended trust property as directed in the trust instrument. If no
45 directions exist, the property shall pass to the estate of the creator of
46 the trust.

A1152 GARRETT, GREGG

3

1 A court may reduce the amount of the property transferred if it
2 determines that the amount substantially exceeds the amount required
3 for the care of the pet. The amount of any reduction shall be
4 transferred as directed in the trust instrument or, if no directions exist,
5 to the estate of the creator of the trust.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1152

STATE OF NEW JERSEY

DATED: JANUARY 23, 2001

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1152.

This bill would clarify that a trust established for the care of a pet is valid in this State.

This bill provides that the intended use of the principal or income may be enforced by a person designated for that purpose in the trust instrument, a person appointed by the court, or a trustee.

Upon termination of the trust, the trustee shall transfer the unexpended trust property as directed in the trust instrument. If no directions exist, the property shall pass to the estate of the creator of the trust.

A court may reduce the amount of the property transferred if it determines that the amount substantially exceeds the amount required for the care of the pet. The amount of any reduction shall be transferred as directed in the trust instrument or, if no directions exist, to the estate of the creator of the trust.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1152

STATE OF NEW JERSEY

DATED: JUNE 11, 2001

The Senate Judiciary Committee reports favorably Assembly Bill No. 1152.

This bill clarifies that a trust established for the care of a pet is valid in New Jersey. The bill provides that the intended use of the principal or income may be enforced by a person designated for that purpose in the trust instrument, a person appointed by the court, or a trustee. Upon termination of the trust, the trustee shall transfer the unexpended trust property as directed in the trust instrument. If no directions exist, the property shall pass to the estate of the creator of the trust.

Under the bill, a court may reduce the amount of the property transferred if it determines that the amount substantially exceeds the amount required for the care of the pet. The amount of any reduction shall be transferred as directed in the trust instrument or, if no directions exist, to the estate of the creator of the trust.

ASSEMBLY, No. 1152

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman E. SCOTT GARRETT

District 24 (Sussex, Hunterdon and Morris)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

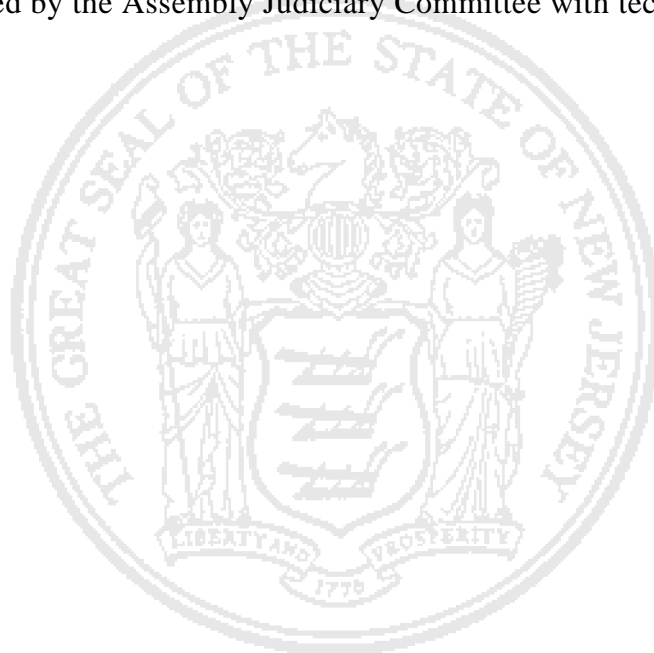
Assemblymen Bateman, Cottrell and Senator Robertson

SYNOPSIS

Recognizes validity of trust funds for pets.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee with technical review.



(Sponsorship Updated As Of: 6/22/2001)

1 AN ACT concerning certain trusts and supplementing Title 3B of the
2 New Jersey Statutes.

3

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

6

7 1. a. A trust for the care of a domesticated animal is valid. The
8 intended use of the principal or income may be enforced by a person
9 designated for that purpose in the trust instrument, a person appointed
10 by the court, or a trustee. The trust shall terminate when no living
11 animal is covered by the trust, or at the end of 21 years, whichever
12 occurs earlier.

13 b. Except as expressly provided otherwise in the trust instrument,
14 no portion of the trust's principal or income may be converted to the
15 use of the trustee or to any use other than for the benefit of the animal
16 designated in the trust.

17 c. Upon termination of the trust, the trustee shall transfer the
18 unexpended trust property as directed in the trust instrument. If no
19 directions for such transfer exist, the property shall pass to the estate
20 of the creator of the trust.

21 d. The court may reduce the amount of the property transferred if
22 it determines that the amount substantially exceeds the amount
23 required for the intended use. The amount of any reduction shall be
24 transferred as directed in the trust instrument or, if no such directions
25 are contained in the trust instrument, to the estate of the creator of the
26 trust.

27 e. If no trustee is designated or if no designated trustee is willing
28 or able to serve, a court shall appoint a trustee and may make such
29 other orders and determinations as are advisable to carry out the intent
30 of the creator of the trust and the purpose of this act.

31

32 2. This act shall take effect immediately.

SENATE, No. 2154

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 26, 2001

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

SYNOPSIS

Recognizes validity of trust funds for pets.

CURRENT VERSION OF TEXT

As introduced.



S2154 ROBERTSON

2

1 AN ACT concerning certain trusts and supplementing Title 3B of the
2 New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. A trust for the care of a domesticated animal is valid. The
8 intended use of the principal or income may be enforced by a person
9 designated for that purpose in the trust instrument, a person appointed
10 by the court, or a trustee. The trust shall terminate when no living
11 animal is covered by the trust, or at the end of 21 years, whichever
12 occurs earlier.

13 b. Except as expressly provided otherwise in the trust instrument,
14 no portion of the trust's principal or income may be converted to the
15 use of the trustee or to any use other than for the benefit of the animal
16 designated in the trust.

17 c. Upon termination of the trust, the trustee shall transfer the
18 unexpended trust property as directed in the trust instrument. If no
19 directions for such transfer exist, the property shall pass to the estate
20 of the creator of the trust.

21 d. The court may reduce the amount of the property transferred if
22 it determines that the amount substantially exceeds the amount
23 required for the intended use. The amount of any reduction shall be
24 transferred as directed in the trust instrument or, if no such directions
25 are contained in the trust instrument, to the estate of the creator of the
26 trust.

27 e. If no trustee is designated or if no designated trustee is willing
28 or able to serve, a court shall appoint a trustee and may make such
29 other orders and determinations as are advisable to carry out the intent
30 of the creator of the trust and the purpose of this act.

31
32 2. This act shall take effect immediately.

33

34

35 STATEMENT

36

37 This bill would clarify that a trust established for the care of a pet
38 is valid in this State.

39 This bill provides that the intended use of the principal or income
40 may be enforced by a person designated for that purpose in the trust
41 instrument, a person appointed by the court, or a trustee.

42 Upon termination of the trust, the trustee shall transfer the
43 unexpended trust property as directed in the trust instrument. If no
44 directions exist, the property shall pass to the estate of the creator of
45 the trust.

46 A court may reduce the amount of the property transferred if it

S2154 ROBERTSON

3

1 determines that the amount substantially exceeds the amount required
2 for the care of the pet. The amount of any reduction shall be
3 transferred as directed in the trust instrument or, if no directions exist,
4 to the estate of the creator of the trust.

5 This bill was prefiled for introduction in the 2000 session pending
6 technical review. As reported, the bill includes the changes required
7 by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2154

STATE OF NEW JERSEY

DATED: JUNE 11, 2001

The Senate Judiciary Committee reports favorably Senate Bill No. 2154.

This bill clarifies that a trust established for the care of a pet is valid in New Jersey. The bill provides that the intended use of the principal or income may be enforced by a person designated for that purpose in the trust instrument, a person appointed by the court, or a trustee. Upon termination of the trust, the trustee shall transfer the unexpended trust property as directed in the trust instrument. If no directions exist, the property shall pass to the estate of the creator of the trust.

Under the bill, a court may reduce the amount of the property transferred if it determines that the amount substantially exceeds the amount required for the care of the pet. The amount of any reduction shall be transferred as directed in the trust instrument or, if no directions exist, to the estate of the creator of the trust.

P.L. 2001, CHAPTER 144, *approved July 10, 2001*
Assembly, No. 1152

1 **AN ACT** concerning certain trusts and supplementing Title 3B of the
2 New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. A trust for the care of a domesticated animal is valid. The
8 intended use of the principal or income may be enforced by a person
9 designated for that purpose in the trust instrument, a person appointed
10 by the court, or a trustee. The trust shall terminate when no living
11 animal is covered by the trust, or at the end of 21 years, whichever
12 occurs earlier.

13 b. Except as expressly provided otherwise in the trust instrument,
14 no portion of the trust's principal or income may be converted to the
15 use of the trustee or to any use other than for the benefit of the animal
16 designated in the trust.

17 c. Upon termination of the trust, the trustee shall transfer the
18 unexpended trust property as directed in the trust instrument. If no
19 directions for such transfer exist, the property shall pass to the estate
20 of the creator of the trust.

21 d. The court may reduce the amount of the property transferred if
22 it determines that the amount substantially exceeds the amount
23 required for the intended use. The amount of any reduction shall be
24 transferred as directed in the trust instrument or, if no such directions
25 are contained in the trust instrument, to the estate of the creator of the
26 trust.

27 e. If no trustee is designated or if no designated trustee is willing
28 or able to serve, a court shall appoint a trustee and may make such
29 other orders and determinations as are advisable to carry out the intent
30 of the creator of the trust and the purpose of this act.

31
32 2. This act shall take effect immediately.

33
34
35 _____
36
37 Recognizes validity of trust funds for pets.

CHAPTER 144

AN ACT concerning certain trusts and supplementing Title 3B of the New Jersey Statutes.

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

C.3B:11-38 Trust funds for pets recognized as valid.

1. a. A trust for the care of a domesticated animal is valid. The intended use of the principal or income may be enforced by a person designated for that purpose in the trust instrument, a person appointed by the court, or a trustee. The trust shall terminate when no living animal is covered by the trust, or at the end of 21 years, whichever occurs earlier.

b. Except as expressly provided otherwise in the trust instrument, no portion of the trust's principal or income may be converted to the use of the trustee or to any use other than for the benefit of the animal designated in the trust.

c. Upon termination of the trust, the trustee shall transfer the unexpended trust property as directed in the trust instrument. If no directions for such transfer exist, the property shall pass to the estate of the creator of the trust.

d. The court may reduce the amount of the property transferred if it determines that the amount substantially exceeds the amount required for the intended use. The amount of any reduction shall be transferred as directed in the trust instrument or, if no such directions are contained in the trust instrument, to the estate of the creator of the trust.

e. If no trustee is designated or if no designated trustee is willing or able to serve, a court shall appoint a trustee and may make such other orders and determinations as are advisable to carry out the intent of the creator of the trust and the purpose of this act.

2. This act shall take effect immediately.

Approved July 10, 2001.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Tom Wilson
609-777-2600

RELEASE: July 10 , 2001

Acting Governor Donald T. DiFrancesco signed the following legislation today:

A-3081, sponsored by Senate Majority Leader John Bennett (R-Monmouth) and Senator Diane Allen (R-Burlington/Camden) and Assemblymen John Kelly (R-Bergen/Essex/Passaic) and Kevin O'Toole (R-Essex/Union), provides for oversight of "The Home Warranty and Builders' Relocation Act," a state administered program that provides buyers of new homes with warranty protection against defects in the construction or quality of the structural elements of their new home.

The bill also establishes a Board of Trustees to monitor and report on the financial performance of the fund.

S-1679, sponsored by Senator Ronald Rice (D-Essex) and Assemblyman Guy Talarico (R-Bergen), clarifies that the five-day grace period granted on the payment of rent to senior citizen lessees who are receiving Social Security Old Age Pension, Railroad Retirement Pensions or other governmental pension does not include Saturdays, Sundays or holidays. The bill also extends application of the grace period to lessees who are disabled.

S-2155, sponsored by Senators Walter Kavanaugh (R-Morris/Somerset) and John Lynch (D-Middlesex/Somerset/Union), permits judges of the former county court, county juvenile and domestic relations court and county district court who resigned in good standing to perform marriages.

A-1152, sponsored by Senator Norman Robertson (R-Essex/Passaic) and Assemblymen Scott Garrett (R-Sussex/Hunterdon/Morris) and Guy Gregg (R-Sussex/Hunterdon/Morris), clarifies that a trust established for the care of a pet is valid in this state.

A-2267, sponsored by Senator Gerald Cardinale (R-Bergen) and Assemblymen Kip Bateman (R-Morris/Somerset) and Rudy Garcia (D-Hudson), clarifies that the provisions of the "Spill Compensation and Control Act," concerning underground storage tanks applies to one or more storage tanks.

A-2934, sponsored by Senator Andrew Ciesla (R-Monmouth/Ocean) and Assemblymen James Holzapfel (R-Monmouth/Ocean) and David Wolfe (R-Monmouth/Ocean), authorizes a school district to enter into a 10-year lease-purchase agreement for the acquisition of school buses.

A-3098, sponsored by Senator Anthony Bucco (R-Morris) and Assemblymen Richard Merkt (R-Morris) and David Wolfe (R-Monmouth/Ocean), expands the meaning of

public library under the Public Library Project Grant Program to include association libraries, thereby allowing them to apply for funds under the program.

A-3536, sponsored by Senator Peter Inverso (R-Mercer/Middlesex) and Assemblymen James Holzapfel (R-Monmouth/Ocean) and Anthony Impreveduto (D-Bergen/Hudson), modifies the requirements to be eligible to take the public accountant certification examination such as, allowing applicants to take the licensure examination prior to completing the 150 semester hours of education if they apply before July 1, 2005 and have a baccalaureate degree and providing that certified public accountants must pass a registered municipal accountant's examination to qualify as a registered municipal accountant to undertake the work of auditing the financial statements of municipalities and counties.