

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1372

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Subject: Trust for the care of animals

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Overview

This bill allows for a person to create a trust for the care of their pet.

Section

- 1 Others treated as qualified beneficiaries.** Adds the person who is charged with enforcing a trust for the care of animal or another noncharitable purpose to the list of people who can get notice and be treated as a qualified beneficiary under the trust code.
- 2 Requirements for creation.** Adds a trust for the care of an animal to the list of alternatives to a traditional beneficiary in the trust code.
- 3 Trust for the care of animal.** Allows for the creation of a trust to provide for the care of an animal. This section requires:
 - The animal be an animal that is alive during the settlor's lifetime.
 - The trust terminates after the death of the animal or animals who are the beneficiary of the trust, and no later than 90 years after the enforcement of the trust.
 - The trustee be appointed by the trust or by the court and that a person interested in the animals welfare can ask for someone to be appointed or removed
 - The property in trust be used as intended by the trust, unless that court determines there is an excess of property in the trust for the intended purpose and then the amount in excess is distributed pursuant to the provisions in the trust or consistent with Minnesota probate law, as if the grantor had died intestate (without a will).

Section

- The property remaining in the trust when the last beneficiary animal dies is to be distributed pursuant to the provisions in the trust or consistent with Minnesota probate law, as if the grantor had died intestate (without a will).
- The trust be available as an asset for the purposes of determining long-term care reimbursement through state health care programs.

4 Noncharitable trust without ascertainable beneficiary. Clarifies that a trust for the care of an animal are governed by the provisions in Minnesota Statutes, section 501C.0408 and are not subject to the provisions of section 501C.0409 as a noncharitable trust without an ascertainable benefit when they conflict.