

This Document can be made available  
in alternative formats upon request

State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SEVENTH  
SESSION

**HOUSE FILE No. 748**

February 28, 2011

Authored by Mazorol, Banaian and Wardlow

The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act  
1.2 relating to trusts; providing for animal care; proposing coding for new law in  
1.3 Minnesota Statutes, chapter 501B.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[501B.011] TRUST FOR CARE OF ANIMAL.**

1.6 Subdivision 1. **Purpose; termination.** A trust may be created to provide for the  
1.7 care of an animal alive during the grantor's lifetime. The trust terminates upon the death of  
1.8 the animal or, if the trust was created to provide for the care of more than one animal alive  
1.9 during the grantor's lifetime, upon the death of the last surviving animal.

1.10 Subd. 2. **Enforcement of trust.** A trust authorized by this section may be enforced  
1.11 by a person appointed in the terms of the trust or, if no person is so appointed, by a person  
1.12 appointed by a court. A person having an interest in the welfare of the animal may request  
1.13 the court to appoint a person to enforce the trust or to remove a person appointed.

1.14 Subd. 3. **Application of trust property.** Property of a trust authorized by this  
1.15 section may be applied only to its intended use, except to the extent a court determines  
1.16 that the value of the trust property exceeds the amount required for the intended use.  
1.17 Upon termination of the trust, or if the court determines the trust has excess funds, the  
1.18 trustee shall transfer the unexpended or excess trust property pursuant to the terms of the  
1.19 trust instrument, or if there is no such provision, then the trust shall pass to the grantor's  
1.20 heirs-at-law determined as if the grantor died intestate domiciled in this state at the time  
1.21 of distribution.

1.22 Subd. 4. **Public health programs and trusts.** An irrevocable inter vivos trust  
1.23 created under this section is subject to section 501B.895.