

1 AMENDMENT TO HOUSE BILL 1017

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1017 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Trusts and Trustees Act is amended by  
5 adding Section 15.2 as follows:

6 (760 ILCS 5/15.2 new)

7 Sec. 15.2. Trusts for domestic or pet animals.

8 (a) A trust for the care of one or more designated  
9 domestic or pet animals is valid. The trust terminates when  
10 no living animal is covered by the trust. A governing  
11 instrument shall be liberally construed to bring the transfer  
12 within this Section, to presume against a merely precatory or  
13 honorary nature of its disposition, and to carry out the  
14 general intent of the transferor. Extrinsic evidence is  
15 admissible in determining the transferor's intent.

16 (b) A trust for the care of one or more designated  
17 domestic or pet animals is subject to the following  
18 provisions:

19 (1) Except as expressly provided otherwise in the  
20 instrument creating the trust, no portion of the  
21 principal or income of the trust may be converted to the  
22 use of the trustee or to a use other than for the trust's

1 purposes or for the benefit of a covered animal.

2 (2) Upon termination, the trustee shall transfer  
3 the unexpended trust property in the following order:

4 (A) as directed in the trust instrument;

5 (B) if there is no such direction in the trust  
6 instrument and if the trust was created in a  
7 non-residuary clause in the transferor's will, then  
8 under the residuary clause in the transferor's will;  
9 or

10 (C) if no taker is produced by the application  
11 of subparagraph (A) or (B), then to the transferor's  
12 heirs, determined according to Section 2-1 of the  
13 Probate Act of 1975.

14 (3) The intended use of the principal or income may  
15 be enforced by an individual designated for that purpose  
16 in the trust instrument or, if none, by an individual  
17 appointed by a court having jurisdiction of the matter  
18 and parties, upon petition to it by an individual.

19 (4) Except as ordered by the court or required by  
20 the trust instrument, no filing, report, registration,  
21 periodic accounting, separate maintenance of funds,  
22 appointment, or fee is required by reason of the  
23 existence of the fiduciary relationship of the trustee.

24 (5) The court may reduce the amount of the property  
25 transferred if it determines that the amount  
26 substantially exceeds the amount required for the  
27 intended use. The amount of the reduction, if any, passes  
28 as unexpended trust property under paragraph (2).

29 (6) If a trustee is not designated or no designated  
30 trustee is willing and able to serve, the court shall  
31 name a trustee. The court may order the transfer of the  
32 property to another trustee if the transfer is necessary  
33 to ensure that the intended use is carried out, and if a  
34 successor trustee is not designated in the trust

1 instrument or if no designated successor trustee agrees  
2 to serve and is able to serve. The court may also make  
3 other orders and determinations as are advisable to carry  
4 out the intent of the transferor and the purpose of this  
5 Section.

6 (7) The trust is exempt from the operation of the  
7 common law rule against perpetuities."