

loaned to the railroad by rail users and require the railroad to reimburse rail users for any loan on the basis of use of the line and the revenues produced when the line has been improved;

(c) Determine the terms and conditions under which all or any portion of state funds allocated shall be repaid to the department by the railroads. Reimbursement may be made as a portion of the increased revenue derived from the improved rail line. Any reimbursement received by the department pursuant to this clause shall be deposited in the rail service improvement account and shall be appropriated exclusively for rehabilitating other rail lines in the state pursuant to subdivision 4; ~~and~~

(d) Require, in lieu of reimbursement as provided in clause (c) of this subdivision, that the railroad establish and maintain a separate railroad fund to be used exclusively for rehabilitation of other rail lines in Minnesota, to which a portion of the increase in revenue derived from the improved rail line shall be credited. The terms and conditions for use of money in the fund shall be stipulated in the contract. The contract shall also stipulate a penalty for use of such money in a manner other than as set forth in the contract and require the railroad to report to the department at such times as the commissioner requires, concerning the disbursement of money from the fund and the general status of rail line improvements; and

(e) To the extent not prohibited by federal law or regulation, require that when the railroad elects to contract for portions of the rehabilitation work or rail service improvement, the railroad must select a contractor who is experienced in rail rehabilitation work, and must require the contractor to:

(1) recruit any new workers from the area where the work is to be done; and

(2) pay workers under the contract wages that are equal to or greater than the wages the railroad pays its own workers for similar work, but not less than twice the state minimum wage that state-covered employers are required to pay under section 177.24, subdivision 1, paragraph (b).

Presented to the governor May 19, 1989

Signed by the governor May 23, 1989, 5:48 p.m.

#### CHAPTER 219—H.F.No. 1355

*An act relating to probate; modifying provisions for the award of sentimental property and family allowances; amending Minnesota Statutes 1988, sections 525.151; and 525.152.*

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

Section 1. Minnesota Statutes 1988, section 525.151, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

**525.151 ALLOWANCE SELECTION AND MAINTENANCE PAYMENT.**

The surviving spouse, and conservators or guardians of the minor children, may select the property of the estate allowed to them under section 525.15, clauses (1), (2) and (3), subject to an award of property with sentimental value to the decedent's children under section 525.152. The personal representative may make these selections if the surviving spouse or the conservators or guardians of the minor children are unable or fail to do so within a reasonable time or if there are no conservators or guardians of the minor children. The personal representative may execute an instrument or deed of distribution to establish the ownership of the property, provided that any notice required under section 525.152, subdivision 3, has been given and eligible children have failed to request an award of property with sentimental value or the court has denied the request. The personal representative may determine maintenance in periodic installments not exceeding \$500 per month for one year, if the estate is insolvent or 18 months if the estate is solvent, and may disburse funds of the estate in payment of such maintenance. The personal representative or any interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this section may petition the court for appropriate relief ~~which~~. Relief may ~~provide~~ include provision for a family allowance larger or smaller than that which the personal representative determined or could have determined.

Sec. 2. Minnesota Statutes 1988, section 525.152, is amended to read:

**525.152 AWARD OF PROPERTY WITH SENTIMENTAL VALUE TO CHILDREN OF PRIOR MARRIAGE.**

Subdivision 1. **DEFINITIONS.** (a) "Eligible child" means a child of the decedent who:

- (1) is not the child of the surviving spouse, if any;
- (2) if there is no surviving spouse, is not a minor, and has a different parent than minor children of the decedent who are entitled to an allowance selection under section 525.15, clause (3); and
- (3) ~~is the child of a previous spouse of the decedent; and~~
- (4) if the decedent dies testate, is a ~~successor~~ devisee under the decedent's will.

(b) "Sentimental value" means significant emotional or nostalgic value arising out of the relationship of an individual with the decedent ~~or, in the case of an eligible child,~~ arising out of the relationship of the eligible child with the ~~prior spouse of the decedent~~ individual who is the nondecedent parent of the eligible child.

Subd. 2. **INELIGIBLE PROPERTY.** The following property is not eligible for an award under this section:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) real property;

(2) personal property that is the subject of a specific devise under the decedent's will ~~or under a separate writing under section 524.2-513;~~ where the will was executed before the effective date of this section, and where the devise specifically identifies the particular item of property, unless the property is selected under section 525.151;

(3) personal property that is the subject of a specific devise under a separate writing under section 524.2-513, unless the property is selected under section 525.151; and

(4) personal property disposed of by a premarital agreement.

Subd. 3. **NOTICE TO ELIGIBLE CHILDREN; PETITION.** At the time of an allowance selection under section 525.151, the person making the selection shall serve personally or by mail a written itemized notice of the property selected to every eligible child of the decedent. This requirement does not apply if an award of property with sentimental value already has been made under this section. Within 30 days of receipt of the notice of selection, an eligible child may petition the court to award property with sentimental value contained in the notice, or other property with sentimental value that belonged to the decedent, to the eligible child.

Subd. 4. **COURT DECISION.** The court shall award property with sentimental value to an eligible child if it finds that the property's sentimental value to the child outweighs its sentimental value to the person entitled to the allowance selection. If more than one eligible child petitions the court for an award of the same property, the court shall award the property to the child for whom the property has the greatest sentimental value. In awarding property with sentimental value to an eligible child, the court shall give weight to the following factors:

(1) the relationship of the eligible child to the acquisition and use of the property;

(2) whether the property was acquired prior to the decedent's marriage to the surviving spouse or prior to the birth of minor children who are entitled to an allowance selection; and

(3) whether the property belonged to a ~~prior spouse of the decedent~~ the individual who is the nondecendent parent of the eligible child.

Subd. 5. **PAYMENT TO ESTATE.** (a) As a condition of an award of sentimental property under this section, the court shall order that the eligible child pay the value of the property to the estate or that the value of the property be deducted from the eligible child's share of the estate. The surviving spouse or minor children may make an additional allowance selection in place of property with sentimental value awarded to an eligible child.

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(b) If the court awards property under subdivision 4, the court shall appoint an appraiser who shall determine the value of the property. The value of the property is its appraised value as of the date of the decedent's death without reference to its sentimental value to the eligible child or any other person.

Presented to the governor May 19, 1989

Signed by the governor May 19, 1989, 11:46 p.m.

### CHAPTER 220—H.F.No. 146

*An act relating to the education code; revising the text of certain chapters of the code without changing their meaning; amending Minnesota Statutes 1988, chapters 128; 128A; 128B; and 129; repealing Minnesota Statutes 1988, sections 128.04; 128.06; 128.069; 128A.04; 129.02; and 129.05 to 129.10.*

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

Section 1. Minnesota Statutes 1988, chapter 128, is amended to read:

#### COOK COUNTY SCHOOL DISTRICTS DISTRICT

#### **[128.009] CHAPTER APPLIES ONLY TO DISTRICT 166.**

Subdivision 1. INDEPENDENT DISTRICT. This chapter applies only to the school district in Cook county. It is an independent school district subject to the laws that govern independent school districts. Its official name is independent school district No. 166, Cook county.

Subd. 2. THIS CHAPTER PREVAILS. This chapter prevails if this chapter is inconsistent with a law that governs independent school districts.

#### **128.01 COUNTY SCHOOL BOARD; ELECTIONS; TERMS MEMBERS; NUMBER, TERM, STAGGERING.**

Subdivision 1. [5 MEMBERS.] The school board of any such county district shall consist of board of independent school district No. 166 has five members; to be elected at the same time and in the same manner as board members in a ten or more townships district, but for.

Subd. 2. [4-YEAR TERM FROM JANUARY.] A The term of a school board member is four years. The board of county commissioners shall appoint the members of such board within 60 days following the election at which time the question of consolidation was submitted; the length of each term for which they are to be appointed being such as to cause the A term of three members of the board to expire begins on the Sunday preceding the first Monday in January following the next general after the election and the term for.

New language is indicated by underline, deletions by ~~strikeout~~.