

Qualification by a court of a testamentary trustee is not required before distributions can be made by a personal representative to the trustee, unless qualification is expressly requested by will or demanded by an interested person as follows:

- (1) by written demand delivered or mailed to the personal representative, or
- (2) by petition to the court having jurisdiction over the probate estate.

If demand is made, the personal representative shall require proof of qualification of the trustee in a court of competent jurisdiction and the personal representative shall not make distributions to the trustee until the trustee is qualified by the court.

This section applies to all testamentary trusts without regard to the date of execution of the will or to the date of death of the testator.

Sec. 3. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor March 6, 1991

Signed by the governor March 6, 1991, 4:25 p.m.

CHAPTER 5—H.F.No. 245

An act relating to education; providing for school consolidation in Kittson and Marshall counties in certain circumstances.

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

Section 1. MARSHALL OR KITTSOON COUNTY SCHOOL DISTRICT CONSOLIDATION.

Notwithstanding Minnesota Statutes, section 122.23, subdivision 13, if:

(1) a majority of the votes cast on the question at the election called under Minnesota Statutes, section 122.23, subdivision 9 or 10, approve a consolidation of two or more school districts that have central administrative offices located in Kittson county or Marshall county; and

(2) the necessary approving resolutions of boards entitled to act on the plat have been adopted,

the school board shall, within ten days of the election, notify the county auditor who shall, within ten days of the notice or of the expiration of the period during which an election can be called, issue an order setting the effective date of the

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

consolidation as July 1, 1991. The order setting the effective date must be issued at least 60 days before July 1, 1991. The auditor shall mail or deliver a copy of the order to each auditor holding a copy of the plat and to the clerk of each district affected by the order and to the commissioner of education. The school board shall notify the county auditor if the election fails. The proceedings are then terminated and the county auditor shall notify the commissioner and the auditors and the clerk of each school district affected.

The election of school board members in the new independent district must be in accordance with Minnesota Statutes, section 122.23, subdivision 18 and chapter 205A except that election judges must be paid in accordance with section 204B.31, and persons desiring to be candidates in that election shall file their applications with the county auditor not less than 40 days before the election. Absentee ballots must be provided in accordance with section 204B.35.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor March 6, 1991

Signed by the governor March 6, 1991, 4:25 p.m.

CHAPTER 6—S.F.No. 79

An act relating to the city of Mora; extending the deadline for negotiating certain contracts; amending Laws 1989, chapter 33, section 1.

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

Section 1. Laws 1989, chapter 33, section 1, is amended to read:

Section 1. **CITY OF MORA; NEGOTIATED CONTRACTS.**

The city of Mora may negotiate one or more contracts for the acquisition and betterment of the Mora municipal wastewater treatment facility without complying with Minnesota Statutes, section 471.345, subdivisions 3 to 5, provided that the city council first determines by resolution that the procedure will be economically advantageous to the city. Contracts subject to this act must be entered before January 1, ~~1991~~ 1992.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Mora.

Presented to the governor March 6, 1991

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