

Subdivision 1. APPLICATION. This section applies to the former spouse of a deceased former St. Paul firefighter who began employment with the St. Paul fire department June 1, 1943; who married the former spouse September 7, 1946; who retired June 1, 1972; and who was living with the former spouse at the time of death in October of 1976.

Subd. 2. PAYMENT OF BENEFIT. Notwithstanding any provision of Minnesota Statutes, section 69.48, Laws 1955, chapter 375, section 25, as amended, or article VIII, section 2, of its bylaws to the contrary, the former spouse described in subdivision 1 is entitled, upon application, to surviving spouse benefits from the St. Paul fire department relief association in accordance with article VIII, section 2, of its bylaws. Benefits are payable to the surviving spouse prospectively from the date of application. The application must be filed in a form prescribed by the board of the association, and must be executed by the former spouse.

Sec. 2. EFFECTIVE DATE; LOCAL APPROVAL.

Section 1 is effective upon approval by the city council of the city of St. Paul and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 6, 1992

Signed by the governor April 8, 1992, 4:26 p.m.

CHAPTER 423—H.F.No. 2572

An act relating to probate; altering the definition of successors; amending Minnesota Statutes 1990, sections 353A.02, subdivision 21; 524.1-201; 524.3-303; and 524.3-308.

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

Section 1. Minnesota Statutes 1990, section 353A.02, subdivision 21, is amended to read:

Subd. 21. **OTHER ITEMS OF VALUE.** "Other items of value" means any real property, personal property, or interest in real or personal property not evidenced by or appropriately characterized as a security as that term is defined by section 524.1-201, clause ~~(37)~~ (32).

Sec. 2. Minnesota Statutes 1990, section 524.1-201, is amended to read:

524.1-201 GENERAL DEFINITIONS.

Subject to additional definitions contained in the subsequent articles which are applicable to specific articles or parts, and unless the context otherwise requires, in chapters 524 and 525:

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

(1) "Application" means a written request to the registrar for an order of informal probate or appointment under article III, part 3.

(2) "Beneficiary," as it relates to trust beneficiaries, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer and as it relates to a charitable trust, includes any person entitled to enforce the trust.

(3) "Child" includes any individual entitled to take as a child under law by intestate succession from the parent whose relationship is involved and excludes any person who is only a stepchild, a foster child, a grandchild or any more remote descendant.

(4) "Claims" includes liabilities of the decedent whether arising in contract or otherwise and liabilities of the estate which arise after the death of the decedent including funeral expenses and expenses of administration. The term does not include taxes, demands or disputes regarding title of a decedent to specific assets alleged to be included in the estate, tort claims, foreclosure of mechanic's liens, or to actions pursuant to section 573.02.

(5) "Court" means the court or branch having jurisdiction in matters relating to the affairs of decedents. This court in this state is known as the probate court or county court.

(6) "Conservator" means a person who is appointed by a court to manage the estate of a protected person.

(7) "Devise," when used as a noun, means a testamentary disposition of real or personal property and when used as a verb, means to dispose of real or personal property by will.

(8) "Devisee" means any person designated in a will to receive a devise. In the case of a devise to an existing trust or trustee, or to a trustee on trust described by will, the trust or trustee is the devisee and the beneficiaries are not devisees.

(9) "Disability" means cause for a protective order as described by section 525.54.

(10) "Distributee" means any person who has received property of a decedent from the decedent's personal representative other than as a creditor or purchaser. A testamentary trustee is a distributee only to the extent of distributed assets or increment thereto remaining in the trustee's hands. A beneficiary of a testamentary trust to whom the trustee has distributed property received from a personal representative is a distributee of the personal representative. For purposes of this provision, "testamentary trustee" includes a trustee to whom assets are transferred by will, to the extent of the devised assets.

(11) "Estate" includes all of the property of the decedent, trust, or other person whose affairs are subject to this chapter as originally constituted and as it exists from time to time during administration.

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

~~(13)~~ (12) "Fiduciary" includes personal representative, guardian, conservator and trustee.

~~(14)~~ (13) "Foreign personal representative" means a personal representative of another jurisdiction.

~~(15)~~ (14) "Formal proceedings" means those conducted before a judge with notice to interested persons.

~~(16)~~ (15) "Guardian" means a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.

~~(17)~~ (16) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent.

~~(18)~~ (17) "Incapacitated person" is as described in section 525.54, other than a minor.

~~(19)~~ (18) "Informal proceedings" means those conducted by the judge, the registrar, or the person or persons designated by the judge for probate of a will or appointment of a personal representative in accordance with sections 524.3-301 to 524.3-311.

~~(20)~~ (19) "Interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against the estate of a decedent, ward or protected person which may be affected by the proceeding. It also includes persons having priority for appointment as personal representative, and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.

~~(22)~~ (20) "Lease" includes an oil, gas, or other mineral lease.

~~(23)~~ (21) "Letters" includes letters testamentary, letters of guardianship, letters of administration, and letters of conservatorship.

~~(25)~~ (22) "Mortgage" means any conveyance, agreement or arrangement in which property is used as security.

~~(26)~~ (23) "Nonresident decedent" means a decedent who was domiciled in another jurisdiction at the time of death.

~~(27)~~ (24) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal entity.

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~~(29)~~ (25) "Person" means an individual, a corporation, an organization, or other legal entity.

~~(30)~~ (26) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status. "General personal representative" excludes special administrator.

~~(31)~~ (27) "Petition" means a written request to the court for an order after notice.

~~(32)~~ (28) "Proceeding" includes action at law and suit in equity.

~~(33)~~ (29) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

~~(34)~~ (30) "Protected person" is as described in section 525.54, subdivision 2.

~~(36)~~ (31) "Registrar" refers to the judge of the court or the person designated by the court to perform the functions of registrar as provided in section 524.1-307.

~~(37)~~ (32) "Security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing.

~~(38)~~ (33) "Settlement," in reference to a decedent's estate, includes the full process of administration, distribution and closing.

~~(39)~~ (34) "Special administrator" means a personal representative as described by sections 524.3-614 to 524.3-618.

~~(40)~~ (35) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

~~(41)~~ (36) "Successor personal representative" means a personal representative, other than a special administrator, who is appointed to succeed a previously appointed personal representative.

~~(42)~~ (37) "Successors" means those persons, other than creditors, who are entitled to property of a decedent under the decedent's will, this chapter or chapter 525. "Successors" also means a funeral director or county government that provides the funeral and burial of the decedent.

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~~(43)~~ (38) "Supervised administration" refers to the proceedings described in sections 524.3-501 to 524.3-505.

~~(44)~~ (39) "Testacy proceeding" means a proceeding to establish a will or determine intestacy.

~~(45)~~ (40) "Trust" includes any express trust, private or charitable, with additions thereto, wherever and however created. It also includes a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. "Trust" excludes other constructive trusts, and it excludes resulting trusts, conservatorships, personal representatives, trust accounts as defined in chapter 528, custodial arrangements pursuant to sections 149.11 to 149.14, 318.01 to 318.06, 527.01 to 527.44, business trusts providing for certificates to be issued to beneficiaries, common trust funds, voting trusts, security arrangements, liquidation trusts, and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or employee benefits of any kind, and any arrangement under which a person is nominee or escrowee for another.

~~(46)~~ (41) "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by court.

~~(47)~~ (42) "Ward" is as described in section 525.54, subdivision 1.

~~(48)~~ (43) "Will" includes codicil and any testamentary instrument which merely appoints an executor or revokes or revises another will.

Sec. 3. Minnesota Statutes 1990, section 524.3-303, is amended to read:

524.3-303 INFORMAL PROBATE; PROOF AND FINDINGS REQUIRED.

(a) In an informal proceeding for original probate of a will, the registrar shall determine whether:

- (1) the application is complete;
- (2) the applicant has made oath or affirmation that the statements contained in the application are true to the best of the applicant's knowledge and belief;
- (3) the applicant appears from the application to be an interested person as defined in section ~~524.1-201(20)~~ 524.1-201, clause (19);
- (4) on the basis of the statements in the application, venue is proper;
- (5) an original, duly executed and apparently unrevoked will is in the registrar's possession;
- (6) any notice required by section 524.3-204 has been given; and
- (7) it appears from the application that the time limit for original probate has not expired.

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

(b) The application shall be denied if it indicates that a personal representative has been appointed in another county of this state or except as provided in subsection (d) below, if it appears that this or another will of the decedent has been the subject of a previous probate order.

(c) A will which appears to have the required signatures and which contains an attestation clause showing that requirements of execution under section 524.2-502 or 524.2-506 have been met shall be probated without further proof. In other cases, the registrar may assume execution if the will appears to have been properly executed, or the registrar may accept a sworn statement or affidavit of any person having knowledge of the circumstances of execution, whether or not the person was a witness to the will.

(d) Informal probate of a will which has been previously probated elsewhere may be granted at any time upon written application by any interested person, together with deposit of an authenticated copy of the will and of the statement probating it from the office or court where it was first probated.

(e) A will from a place which does not provide for probate of a will after death and which is not eligible for probate under subsection (a), may be probated in this state upon receipt by the registrar of a duly authenticated copy of the will and a duly authenticated certificate of its legal custodian that the copy filed is a true copy and that the will has become operative under the law of the other place.

Sec. 4. Minnesota Statutes 1990, section 524.3-308, is amended to read:

524.3-308 INFORMAL APPOINTMENT PROCEEDINGS; PROOF AND FINDINGS REQUIRED.

(a) In informal appointment proceedings, the registrar must determine whether:

(1) the application for informal appointment of a personal representative is complete;

(2) the applicant has made oath or affirmation that the statements contained in the application are true to the best of the applicant's knowledge and belief;

(3) the applicant appears from the application to be an interested person as defined in section ~~524.1-201(20)~~ 524.1-201, clause (19);

(4) on the basis of the statements in the application, venue is proper;

(5) any will to which the requested appointment relates has been formally or informally probated; but this requirement does not apply to the appointment of a special administrator;

(6) any notice required by section 524.3-204 has been given;

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(7) from the statements in the application, the person whose appointment is sought has a priority entitlement to the appointment.

(b) Unless section 524.3-612 controls, the application must be denied if it indicates that a personal representative who has not filed a written statement of resignation as provided in section 524.3-610(c) has been appointed in this or another county of this state, that, unless the applicant is the domiciliary personal representative or the representative's nominee, the decedent was not domiciled in this state and that a personal representative whose appointment has not been terminated has been appointed by a court in the state of domicile, or that other requirements of this section have not been met.

Presented to the governor April 6, 1992

Signed by the governor April 8, 1992, 4:27 p.m.

CHAPTER 424—H.F.No. 1833

An act relating to traffic regulations; permitting certain cities to provide for volunteer enforcement of certain regulations; amending Minnesota Statutes 1990, section 169.346, by adding a subdivision.

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

Section 1. Minnesota Statutes 1990, section 169.346, is amended by adding a subdivision to read:

Subd. 4. LOCAL ORDINANCE; CITIZEN ENFORCEMENT PROGRAM. A city of the first class may, by ordinance, establish a program to enforce the parking restrictions of this section or any similar local ordinance, relating to parking spaces for the physically disabled, by using citizen volunteers to issue citations to violators. The ordinance shall contain a process for training program participants in the requirements of the law, the method of issuing citations, and other related matters. Program participants who satisfy the training requirements of the ordinance are authorized to issue citations for violations of this section and are exempt from any other training or licensure requirements imposed on law enforcement officers by chapter 626.

Presented to the governor April 6, 1992

Signed by the governor April 8, 1992, 5:05 p.m.

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