

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

Section 1. **REVENUE BONDS; SECURITY.** The city of Benson may issue and sell its revenue bonds for the purpose of providing funds for the city's share of the cost of acquiring and installing medical equipment in the Swift County-Benson hospital and the related Benson medical clinic pursuant to Minnesota Statutes, Sections 447.45 to 447.50 and Chapter 475, and may pledge to the bondholders for the payment of the bonds any defined portion of the net revenues of its municipal liquor dispensary. Bonds issued pursuant to this act are deemed payable wholly from the income of a revenue producing convenience within the meaning of Minnesota Statutes, Sections 475.51 and 475.58.

Sec. 2. Notwithstanding the limitation upon the net debt of a municipality contained in Minnesota Statutes, Section 475.53, Subdivision 1, or any other law to the contrary, *the city of Howard Lake in Wright County, Minnesota, may issue and sell its \$260,000 general obligation bonds for the purpose of building a municipal library and community center, which amount and purpose was approved by the voters of the city at a special election held on March 6, 1979.*

Sec. 3. **EFFECTIVE DATE.** Section 1 of this act is effective upon approval of the city council of the city of Benson, and upon compliance with Minnesota Statutes, Section 645.021. Section 2 of this act is effective upon approval of the city council of the city of Howard Lake and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 21, 1979.

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CHAPTER 137—H.F.No.1473

*An act relating to fiduciaries; providing for replacement of trustees; establishing guidelines for compensation of personal representatives; providing that cost considerations are a factor in the removal of trustees and personal representatives; amending Minnesota Statutes 1978, Sections 501.43; 524.3-611; and 524.3-719.*

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

Section 1. Minnesota Statutes 1978, Section 501.43, is amended to read:

**501.43 REMOVAL OF TRUSTEE.** ~~Upon the complaint of any person interested in the execution of an express trust, and under such regulations as shall be established by the court for that purpose, it may remove any trustee who has violated or threatened to violate his trust, or who is insolvent, or whose insolvency is apprehended, or who for any other cause is deemed an unsuitable person to execute the trust. Any person interested in an express trust may petition the district or county court wherein a trustee resides or has his place of business for the removal of that trustee for cause at any time. Upon filing of the petition the court shall fix a time and place for hearing. Notice shall be given to the trustee and other interested parties pursuant to the provisions of section 501.35 or as the court shall otherwise order.~~

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Cause for removal exists when removal is in the best interests of the trust estate, when the trustee has violated his trust, has become incapable of discharging the duties of his office, or has mismanaged the trust estate. In determining the best interests of the trust estate, the trustee's compensation and fees, and administrative expenses, shall also be considered.

Sec. 2. Minnesota Statutes 1978, Section 524.3-611, is amended to read:

**524.3-611 TERMINATION OF APPOINTMENT BY REMOVAL; CAUSE; PROCEDURE.** (a) A person interested in the estate may petition for removal of a personal representative for cause at any time. Upon filing of the petition, the court shall fix a time and place for hearing. Notice shall be given by the petitioner to the personal representative, and to other persons as the court may order. Except as otherwise ordered as provided in section 524.3-607, after receipt of notice of removal proceedings, the personal representative shall not act except to account, to correct maladministration or preserve the estate. If removal is ordered, the court also shall direct by order the disposition of the assets remaining in the name of, or under the control of, the personal representative being removed.

(b) Cause for removal exists when removal ~~would be~~ is in the best interests of the estate, or if it is shown that a personal representative or the person seeking his appointment intentionally misrepresented material facts in the proceedings leading to his appointment, or that the personal representative has disregarded an order of the court, has become incapable of discharging the duties of his office, or has mismanaged the estate or failed to perform any duty pertaining to the office. In determining the best interests of the estate, the personal representative's compensation and fees, and administrative expenses, shall also be considered. Unless the decedent's will directs otherwise, a personal representative appointed at the decedent's domicile, incident to securing appointment of himself or his nominee as ancillary personal representative, may obtain removal of another who was appointed personal representative in this state to administer local assets.

Sec. 3. Minnesota Statutes 1978, Section 524.3-719, is amended to read:

**524.3-719 COMPENSATION OF PERSONAL REPRESENTATIVE.** (a) A personal representative is entitled to reasonable compensation for his services. If a will provides for compensation of the personal representative and there is no contract with the decedent regarding compensation, he may renounce the provision before qualifying and be entitled to reasonable compensation. A personal representative also may renounce his right to all or any part of the compensation. A written renunciation of fee may be filed with the court.

(b) In determining what is reasonable compensation, the court shall give consideration to the following factors:

(1) The time and labor required;

(2) The complexity and novelty of problems involved; and

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(3) The extent of the responsibilities assumed and the results obtained.

Approved May 21, 1979.

## CHAPTER 138—S.F.No.1158

*An act relating to children; requiring that adoptive parents and the adoptive child shall be made parties to certain proceedings related to terminating adoptions; prohibiting a presumption that biological parents should be favored in such proceedings; amending Minnesota Statutes 1978, Sections 259.24, Subdivision 6, and by adding a subdivision; and 259.25, Subdivision 2.*

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

Section 1. Minnesota Statutes, 1978, Section 259.24, Subdivision 6, is amended to read:

Subd. 6. **WITHDRAWAL OF CONSENT.** After a petition has been filed, the consent to the adoption may be withdrawn only upon order of the court after a written findings finding that such the withdrawal is for in the best interest of the child.

In the proceeding, the adoptive parents and the child shall be made parties. When determining the best interest of the child, section 257.025 shall control and there shall be no presumption that favors the biological parents over the adoptive parents. The proceedings shall be conducted so as to preserve the confidentiality of the adoption process.

Sec. 2. Minnesota Statutes 1978, Section 259.25, Subdivision 2, is amended to read:

Subd. 2. **REVOCAION OF AGREEMENT.** Such The placement agreement may be revoked only upon the order of a court of competent jurisdiction after written findings that such the revocation is for in the best interest of the child.

In the proceeding, the adoptive parents and the child shall be made parties. When determining the best interest of the child, section 257.025 shall control and there shall be no presumption that favors the biological parents over the adoptive parents. The proceedings shall be conducted so as to preserve the confidentiality of the adoption process.

Sec. 3. Minnesota Statutes 1978, Section 259.24, is amended by adding a subdivision to read:

Subd. 8. **ADOPTIVE PARENTS DEFINED.** For the purposes of sections 259.24, subdivision 6, and 259.25, subdivision 2, the term "adoptive parents" shall mean parents who have received a child into their home with the intent to adopt the child.

Approved May 21, 1979.

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