

pating on the Minnesota criminal justice information systems communications network administered by the department of public safety.

Sec. 2. **EFFECTIVE DATE.** This act is effective on the day following final enactment.

Approved March 27, 1980

CHAPTER 383—S.F.No. 978

An act relating to banks and trust companies; allowing substitution of certain banks and trust companies in fiduciary capacities maintained by certain banks and trust companies.

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

Section 1. **[48.845] SUBSTITUTION IN FIDUCIARY CAPACITIES FOR AFFILIATED OR OTHER BANK; DEFINITIONS.** *Subdivision 1. For purposes of sections 1 and 2, the terms defined in this section have the meanings given them.*

Subd. 2. "Bank" means any state bank permitted to exercise trust powers under the provisions of Minnesota Statutes, Sections 48.37 to 48.47, and any national bank authorized to exercise fiduciary powers under the laws of the United States, including a national bank whose operations are limited to those of a trust company and related activities.

Subd. 3. "Trust company" means any trust company incorporated under the laws of this state which is duly authorized to exercise fiduciary powers.

Subd. 4. "Affiliated bank" with respect to another bank or a trust company means any bank which is owned or controlled by the corporation which owns or controls that other bank or trust company.

Subd. 5. "Fiduciary capacity" means a capacity resulting from a bank undertaking to act alone or jointly with others primarily for the benefit of another in all matters connected with its undertaking and includes, but is not limited to, the capacities of trustee, including trustee of a common trust fund; executor; administrator; personal representative; registrar or transfer agent with respect to stocks, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority; guardian of estates; conservator; receiver; escrow agent; agent for the investment of money; attorney-in-fact; or any other similar capacity.

Sec. 2. **[48.846] SUBSTITUTION; APPLICATION; NOTICE; HEARING; COURT ORDER; FILING.** *Subdivision 1. Any bank or trust company may file an application with the district court in the county in which an affiliated bank or other bank or trust company for which it seeks to be substituted is located*

Changes or additions indicated by underline deletions by ~~strikeout~~

requesting that it be substituted, except as may be expressly excluded in the application, in every fiduciary capacity held by the affiliated bank or other bank or trust company for which substitution is sought and which is specified in the application. The affiliated bank or other bank or trust company for which substitution is sought shall join in the application. The application need not list the fiduciary capacities in which substitution is requested.

Subd. 2. When the application is filed with the district court, the court shall make an order fixing a date and time for hearing and directing that notice of the hearing be given as provided in this subdivision. The applicant shall cause a copy of the notice to be published at least once a week for two consecutive weeks in a legal newspaper in the county where the hearing is to be held, the last publication of which is to be at least ten days before the time set for the hearing. The court may require additional notice as it reasonably deems necessary. No defect in giving notice shall limit or affect the validity of any order entered pursuant to this section.

Subd. 3. Upon finding that the applicant is duly authorized to exercise fiduciary powers, the district court shall enter an order substituting the applicant bank or trust company in every fiduciary capacity held by the affiliated bank or other bank or trust company for which substitution is sought and which joined in the application, except as may be otherwise specified in the application, and except for fiduciary capacities in any account with respect to which a person beneficially interested in the account has filed objection to the substitution and has appeared and been heard in support of the objection. Upon entry of the order, or at a later date as may be specified in the order, the applicant bank or trust company shall, without further act, and notwithstanding any other law to the contrary, be substituted in every such fiduciary capacity. The substitution may be made a matter of record in any county of this state by filing a certified copy of the order of substitution in the office of the clerk of any district, county or probate court in this state, or by filing a certified copy of the order in the office of the county recorder of any county in this state.

Subd. 4. Each designation in a will or other instrument heretofore or hereafter executed of an affiliated bank as fiduciary shall be deemed a designation of the bank or trust company substituted for the affiliated bank pursuant to this section except where the will or other instrument is executed after the substitution and expressly negates the application of this section. Except as otherwise provided in this subdivision any grant in any will or other instrument of any discretionary power shall be deemed conferred upon the bank or trust company substituted as the fiduciary pursuant to this section.

Subd. 5. An affiliated bank or other bank or trust company shall account jointly with the substituted bank or trust company for the accounting period during which the substitution occurred. Upon substitution pursuant to this section, the affiliated bank or other bank or trust company shall deliver to the substituted bank or trust company all assets held by the affiliated bank or other bank or trust company as fiduciary, except assets held for fiduciary accounts with respect to which no substitution occurs pursuant to this section. Upon substitution all assets

become the property of the substituted bank or trust company without the necessity of any instrument of transfer or conveyance.

Sec. 3. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved March 28, 1980

CHAPTER 384—S.F.No. 1273

An act relating to natural resources; authorizing the commissioner to utilize volunteer services; amending Minnesota Statutes 1978, Chapter 84, by adding a section; and Section 176.011, Subdivision 9; repealing Minnesota Statutes 1978, Section 85.041.

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

Section 1. Minnesota Statutes 1978, Chapter 84, is amended by adding a section to read:

[84.089] VOLUNTEERS IN NATURAL RESOURCES PROGRAM.

Subdivision 1. The commissioner of natural resources may recruit, train, and accept without regard to personnel laws, or rules, the services of individuals without compensation as volunteers for or in aid of activities in and related to the areas or programs administered by the commissioner.

Subd. 2. The commissioner may provide for the incidental expenses of a volunteer, such as transportation, uniforms, lodging, and subsistence.

Subd. 3. Except as otherwise provided in this section, a volunteer is not a state employee and is not subject to the provisions of law relating to state employment, including but not limited to those relating to hours of work, rates of compensation, leave, unemployment compensation, and state employee benefits. A volunteer accepted under this section is a state employee for the purposes of section 176.011, subdivision 9, and the provisions of chapter 176, relating to workers' compensation apply to him.

Sec. 2. Minnesota Statutes 1978, Section 176.011, Subdivision 9, is amended to read:

Subd. 9. **EMPLOYEE.** "Employee" means any person who performs services for another for hire; and includes the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, policeman, firefighter, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or

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