

(3) replacement of an abusive or neglectful guardian or conservator and appointment of a suitable person as guardian or conservator, pursuant to sections 525.539 to 525.6198; or

(4) a referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under chapter 609.

The expenses of legal intervention must be paid by the county in the case of indigent persons, under section 525.703 and chapter 563.

In proceedings under sections 525.539 to 525.6198, if a suitable relative or other person is not available to petition for guardianship or conservatorship, a county employee shall present the petition with representation by the county attorney. The county shall contract with or arrange for a suitable person or nonprofit organization to provide ongoing guardianship services. If the county presents evidence to the probate court that it has made a diligent effort and no other suitable person can be found, a county employee may serve as guardian or conservator. The county shall not retaliate against the employee for any action taken on behalf of the ward or conservatee even if the action is adverse to the county's interest. Any person retaliated against in violation of this subdivision shall have a cause of action against the county and shall be entitled to reasonable attorney fees and costs of the action if the action is upheld by the court.

Sec. 6. Minnesota Statutes 1984, section 626.557, is amended by adding a subdivision to read:

Subd. 11a. DUTIES OF PROSECUTING AUTHORITIES. Upon receipt of a report from a social service or licensing agency, the prosecuting authority shall immediately investigate, prosecute when warranted, and transmit its findings and disposition to the referring agency.

Approved May 20, 1985

CHAPTER 151 — S.F.No. 1077

An act relating to courts; providing for reimbursement of residents required to testify in another state in criminal cases; amending Minnesota Statutes 1984, section 634.06.

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

Section 1. Minnesota Statutes 1984, section 634.06, is amended to read:

634.06 RESIDENTS REQUIRED TO TESTIFY IN ANOTHER STATE.

If (a) Upon presentation of a certificate from a judge of a court of record in any state which by its laws has made provision for commanding that may require persons within that state to attend and testify in criminal actions or grand jury investigations in this state certifies under the seal of such court stating that

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

~~(1) there is a criminal action pending in such the court, or that a grand jury investigation has commenced or is about to be commenced, that; (2) a person being within this state is a material witness in such the action, or grand jury investigation; and that his (3) the person's presence will be required for a specified number of days at the trial of such action, or at such grand jury investigation, upon presentation of such certificate to any; a judge of the district court of the county in which such where the person resides, or the county in which such where the person is found if not a resident of this state, such judge shall fix set a time and place for a hearing and shall notify the witness person of such the time and place.~~

~~(b) If at the hearing the judge determines that (1) the person is a material and necessary witness is material and necessary, either for the prosecution or the defense in such criminal action, or for the purpose of the grand jury investigation, that; (2) it will not cause undue hardship to the witness person to be compelled to attend and testify in the action, or grand jury investigation, in the other state; and that (3) the laws of the state in which where the action is pending, or the grand jury investigation has commenced or is about to be commenced, person will testify and of any other state through which that the witness person may be required to pass through by ordinary course of travel will give to him provide protection from arrest and the service of civil and criminal process, he; the judge shall make an order, with a copy of the certificate attached, directing the witness person to attend and testify in the court where the action is pending, or the place where such grand jury has commenced or is about to be commenced, at a the time and place specified in the certificate.~~

~~(c) If the witness person, who is named in such order as above provided after being paid or tendered by some properly an authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, or the place where such grand jury investigation has commenced or is about to be commenced, reasonable travel and lodging expenses and \$5 \$25 for each day that he the person is required to travel and attend as a witness, fails without good cause to attend and testify as directed by such the order, he shall be the person is guilty of constructive contempt of court, and shall be punished according to law.~~

Approved May 20, 1985

CHAPTER 152 — S.F.No. 954

An act relating to veterans; reestablishing the board of governors of the Big Island Veterans Camp; providing for its appointment and duties; transferring certain state land to the board; providing for the possible disposition of the land by the board; proposing coding for new law in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1984, sections 197.13; 197.15; 197.16; 197.17; 197.18; and 197.19.

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