

Subd. 3. REGISTRATION PERIOD. The registration period is that provided by the Interstate Commerce Commission in rules adopted under United States Code, title 49, section 11506.

Subd. 4. RECEIPT. On compliance with subdivision 1 or 2, the commissioner shall issue a receipt showing that the motor carrier has complied with the regulations applicable to it. Proof of registration must be kept in each of the carrier's vehicles.

Sec. 29. Minnesota Statutes 1992, section 221.81, subdivision 3e, is amended to read:

Subd. 3e. SAFETY RULES. (a) A building mover must comply with the rules of the ~~commissioner~~ adopted in section 221.0314: (1) subdivision 6 for safe operation driving of motor vehicles; equipment; (2) subdivision 7 for parts; and accessories necessary for the safe operation, except as provided in paragraph (b); (3) subdivision 10 for inspection, repair, and maintenance; (4) subdivision 8 for accident reporting; and, (5) on and after August 1, 1994, subdivisions 2 to 5 for driver qualifications.

(b) A towed vehicle, other than a full trailer, pole trailer, or semitrailer, as those terms are defined in Code of Federal Regulations, title 49, section 390.5, used by a building mover to move a building on a highway is not required to comply with rules of the ~~commissioner~~ for equipment, parts; and accessories necessary for safe operation.

Sec. 30. REPEALER.

Laws 1992, chapters 568, section 1; and 578, section 15, are repealed.

Sec. 31. EFFECTIVE DATE.

Sections 7, 8, 10 to 18, 21 to 26, and 28 to 30, are effective the day following final enactment.

Presented to the governor May 7, 1993

Signed by the governor May 10, 1993, 3:08 p.m.

CHAPTER 118—H.F.No. 1420

An act relating to probate; providing for determination of reasonable compensation for certain guardians and conservators; changing provisions for guardians and conservators of certain institutionalized persons; amending Minnesota Statutes 1992, sections 525.54, subdivisions 1 and 3; 525.544, subdivision 2; 525.58, subdivision 4; and 525.703, subdivisions 2 and 3.

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

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

Section 1. Minnesota Statutes 1992, section 525.54, subdivision 1, is amended to read:

Subdivision 1. **ADULTS SUBJECT TO GUARDIANSHIP AND CONSERVATORSHIP.** Upon petition as provided in this chapter, the court, if satisfied of the need therefor, may appoint one or more persons suitable and competent to discharge the trust as guardians of the person or estate or of both or as conservators of the person or the estate or of both, of any incapacitated person. The county human services agency may create a screening committee to review a petition involving an indigent person. The screening committee must be made up of individuals selected by the agency with knowledge of the availability of alternatives that are less restrictive than guardianships or conservatorships. If the agency has created a screening committee, the court shall make its decision after the screening committee has reviewed the petition. For indigent persons, the court may appoint a guardian or conservator under contract with the county to provide these services.

Sec. 2. Minnesota Statutes 1992, section 525.54, subdivision 3, is amended to read:

Subd. 3. **GUARDIANSHIP OR CONSERVATORSHIP OF THE ESTATE.** Appointment of a guardian or conservator may be made in relation to the estate and financial affairs of an adult person: (a) voluntarily, upon the person's petition or consent in writing if the court is satisfied of the need thereof, ~~or~~ (b) involuntarily, upon the court's determination that (1) the person is unable to manage the person's property and affairs effectively because the person is an incapacitated person, and (2) the person has property which will be dissipated unless proper management is provided, or that funds are needed for the support, care and welfare of the person or those entitled to be supported by the person and (3) a guardian or conservator is necessary to adequately protect the person's estate or financial affairs, or (c) involuntarily, upon the court's determination that an indigent incapacitated person is institutionalized and has a demonstrated need for guardianship or conservatorship services beyond financial services available through the institution as required by chapter 144A and sections 256B.35 and 256B.36, or through the county human services agency, to the extent the agency provides these services. The need for a guardian or conservator may not be based solely on the fact that the ward or conservatee is a recipient of medical assistance or is institutionalized. "Incapacitated person" means, in the case of guardianship or conservatorship of the estate of an adult, any adult person who is impaired to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the person's estate or financial affairs, and who has demonstrated deficits in behavior which evidence an inability to manage the estate, or who is unable to manage the estate or financial affairs effectively by reason of detention by a foreign power or disappearance.

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Sec. 5. Minnesota Statutes 1992, section 525.703, subdivision 2, is amended to read:

Subd. 2. **LAWYER OR HEALTH PROFESSIONAL.** In proceedings under sections 525.54 to 525.702 a lawyer or health professional rendering necessary services with regard to the appointment of a guardian or conservator, the administration of the ward's or conservatee's estate or personal affairs or the restoration of that person's capacity, shall be entitled to reasonable compensation from the estate of the ward or conservatee or from the county having jurisdiction over the proceedings if the ward or conservatee is indigent. When the court determines that other necessary services have been provided for the benefit of the ward or conservatee by a lawyer or health professional, the court may order reasonable fees to be paid from the estate of the ward or conservatee or from the county having jurisdiction over the proceedings if the ward or conservatee is indigent. If, however, the court determines that a petitioner, guardian or conservator has not acted in good faith, the court shall order some or all of the fees or costs incurred in the proceedings to be borne by the petitioner, guardian, or conservator not acting in good faith. In determining reasonable compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

Sec. 6. Minnesota Statutes 1992, section 525.703, subdivision 3, is amended to read:

Subd. 3. **GUARDIAN OR CONSERVATOR.** (a) When the court determines that a guardian or conservator of the person or the estate has rendered necessary services or has incurred necessary expenses for the benefit of the ward or conservatee, the court may order reimbursement or reasonable compensation to be paid from the estate of the ward or conservatee or from the county having jurisdiction over the guardianship or conservatorship if the ward or conservatee is indigent. The court may not deny an award of fees solely because the ward or conservatee is a recipient of medical assistance. In determining reasonable compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

(b) The court shall order reimbursement or reasonable compensation if the guardian or conservator requests payment and the guardian or conservator was nominated by the court or by the county adult protection unit because no suitable relative or other person was available to provide guardianship or conservatorship services necessary to prevent abuse or neglect of a vulnerable adult, as defined in section 626.557. In determining reasonable compensation for a guard-

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Sec. 3. Minnesota Statutes 1992, section 525.544, subdivision 2, is amended to read:

Subd. 2. **OTHER CASES.** If the proposed ward or conservatee lacks capacity or fails to nominate a conservator or guardian, the court may appoint a qualified person after review by a screening committee as provided in section 525.54, subdivision 1, if any, if the court finds that the person's appointment is in the best interests of the proposed ward or conservatee. A proposed guardian or conservator need not reside in this state if the proposed guardian or conservator is able to maintain a current understanding of the ward's or conservatee's physical and mental status and needs. If the proposed ward or conservatee lacks capacity or fails to give instructions, the court may give the guardian or conservator powers as required in accordance with section 525.56. If the proposed ward or conservatee is indigent, the court may appoint a guardian or conservator under contract with the county, or a public or private agency under contract with the county, to provide these services.

Sec. 4. Minnesota Statutes 1992, section 525.58, subdivision 4, is amended to read:

Subd. 4. **ANNUAL REPORT OF THE GUARDIAN OF THE PERSON.** Except where expressly waived by the court, every guardian or conservator of the person shall annually file a report under oath with the court within 30 days of the anniversary date of the appointment of the guardian or conservator. The report shall contain the guardian's or conservator's good faith evaluation of the following information for the preceding year:

- (a) changes in the medical condition of the ward or conservatee;
- (b) changes in the living conditions of the ward or conservatee;
- (c) changes in the mental and emotional condition of the ward or conservatee;
- (d) a listing of hospitalizations of the ward or conservatee; and
- (e) if the ward or conservatee is institutionalized, an evaluation of the care and treatment received by the ward or conservatee, and if the ward or conservatee is indigent, a review of the continued need for guardian or conservator services beyond those provided by the institution or the county human services agency. The court shall request the assistance of the county human services agency to assist in making this need determination. If a continued need for guardian or conservator services exists, the county may contract for these services with other public or private agencies.

The court or its designee shall annually review the court file to insure that the report has been filed and that the report contains the information required by this subdivision. If a report has not been filed or if the report does not contain the information required by this subdivision, the court shall order the guardian or conservator to file an appropriate report.

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ian or conservator of an indigent person, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

(c) When a county employee serves as a guardian or conservator as part of employment duties, the court shall order reasonable compensation if the guardian or conservator performs necessary services that are not compensated by the county. The court may order reimbursement to the county from the ward's or conservatee's estate for reasonable compensation paid by the county for services rendered by a guardian or conservator who is a county employee but only if the county shows that after a diligent effort it was unable to arrange for an independent guardian or conservator.

Presented to the governor May 7, 1993

Signed by the governor May 10, 1993, 3:00 p.m.

CHAPTER 119—H.F.No. 1720

An act relating to metropolitan government; requiring one member of the metropolitan transit commission to be disabled user of transit system; amending Minnesota Statutes 1992, section 473.404, subdivision 2.

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

Section 1. Minnesota Statutes 1992, section 473.404, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP.** The transit commission consists of five members appointed by the transit board. One member must be a resident of the city of Minneapolis, one must be a resident of the city of St. Paul, two must reside in the service area of the commission outside Minneapolis and St. Paul, and one ~~may~~ member must ~~reside anywhere~~ reside in the metropolitan area and be a user of transit services who is identified by the council on disability, pursuant to section 256.482, as an individual with a disability. The transit board shall consider nominations from the council on disability. At least one of the members from outside of Minneapolis and St. Paul must reside in the commission's full-peak and off-peak service area, as defined for tax purposes in section 473.446. Appointments are subject to the advice and consent of the senate.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective for the vacancy on the metropolitan transit commission that occurs in the term of the at-large member. Section 1 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

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