

CHAPTER 348—S.F.No. 1248

An act relating to guardianship; establishing criteria for the selection of guardians and conservators; amending Minnesota Statutes 1978, Section 525.544.

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

Section 1. Minnesota Statutes 1978, Section 525.544, is amended to read:

525.544 **PLANNING PROVISIONS.** In the petition or in a written instrument executed before or after the petition is filed, the person may, if at the time of signing the same, he has sufficient capacity to form an intelligent preference, nominate a conservator or guardian or give instructions to the conservator or guardian or he may do both. The written instrument shall be executed and attested in the same manner as a will. The court shall appoint the person so nominated as conservator or guardian and shall charge him with the instructions, unless the court finds that the appointment of the nominee or the instructions or both are not in the best interests of the person to be placed under conservatorship or guardianship. When any person lacks capacity or fails to nominate a conservator or guardian, the court may appoint any qualified person. The court shall consider the interest of a prospective guardian or conservator in the welfare of the proposed ward or conservatee. Kinship, while a factor, shall not be conclusive in making the appointment. If proposed ward or conservatee lacks capacity or fails to give instructions, the court may give such powers as required.

Approved March 3, 1980

CHAPTER 349—S.F.No. 1257

An act relating to public welfare; requiring certain recipients of state aid for medical care to authorize the commissioner of public welfare to have access to their medical records for certain purposes; authorizing the commissioner to promulgate certain rules related to investigation of fraud perpetrated by health care vendors; authorizing certain sanctions against fraudulent vendors; authorizing the commissioner to institute an action to recover moneys wrongfully paid; amending Minnesota Statutes 1978, Sections 62E.53, by adding a subdivision; 62E.54, Subdivision 1; 256B.04, Subdivision 10, and by adding a subdivision; 256B.064, Subdivision 2, and by adding subdivisions; 256B.27, Subdivisions 3 and 4; 256D.03, Subdivision 3; and 256D.05, by adding a subdivision.

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

Section 1. Minnesota Statutes 1978, Section 62E.53, is amended by adding a subdivision to read:

Subd. 4. No applicant shall be eligible for state assistance under sections 62E.51 to 62E.55 unless he has authorized the commissioner of public welfare in

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