

March 3, 2014

The Honorable Lance Kinzer, Chairperson  
House Committee on Judiciary  
Statehouse, Room 165-W  
Topeka, Kansas 66612

Dear Representative Kinzer:

**SUBJECT:** Fiscal Note for HB 2719 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2719 is respectfully submitted to your committee.

HB 2719 would be known as the Uniform Power of Attorney Act. The Act would apply to all powers of attorney except in the following cases:

1. To the extent the power of attorney is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;
2. A power to make health-care decisions;
3. A proxy of other delegation to exercise voting rights or management rights with respect to an entity; and
4. A power created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purposes.

The power of attorney created under this Act is durable unless it expressly provides that it is terminated by the incapacity of the principal. HB 2719 addresses issues related to the agent termination of power, resignation, breach of duty, perceived misconduct, and what constitutes the "acknowledged" power of attorney. The bill details the requirements and forms to be used to establish powers of attorney. It also identifies the responsibility of the position such as acting in good faith, acting loyally for the principal's benefit, and attempting to preserve the principal's estate.

Unless the power of attorney otherwise provides, language in the power of attorney grants general authority with respect to management of real property, tangible personal property, stocks and bonds, commodities and options, banks and other financial institutions, insurance and annuities, estates, trusts and other beneficial interests, claims and litigation, personal and family maintenance, benefits from the government, taxes and gifts. The bill provides extensive detail for all of the above subjects.

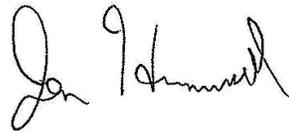
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The Office of Judicial Administration states that the provisions of HB 2719 could cause an increase in the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. It is not possible to predict how complex or time-consuming the cases would be. Therefore, a precise fiscal effect cannot be determined. Any fiscal effect associated with HB 2719 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and a distinct "H".

Jon Hummell,  
Interim Director of the Budget

cc: Mary Rinehart, Judiciary