

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 45

As Amended by House Committee on
Judiciary

Brief*

SB 45, as amended, would amend the Kansas Power of Attorney Act. The bill would:

- Authorize the principal, who is physically unable to sign a power of attorney document but who is competent and conscious, to appoint a designated adult to sign the principal's name on the document in the presence of a notary public. The specific direction of the principal would be required to be expressed in the presence of a notary public.
- Require an attorney in fact, acting under the power of attorney, to keep a record of receipts, disbursements, and transactions made on behalf of the principal. The attorney in fact would be prohibited from commingling funds or assets of the principal with the attorney in fact's funds or assets.
- Authorize a procedure for the voluntary resignation of the attorney in fact.

Background

The proponent of the bill that presented testimony at the Senate Committee was Jim Bush, Judicial Council Probate Advisory Committee.

There was no testimony in opposition to the bill.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Senate Committee on Judiciary amended the bill to strike the word “all” from the explicit requirement placed on the attorney in fact to keep a record of receipts, disbursements, and transactions made on behalf of the principal.

The House Judiciary Committee inserted the provision that would require specific directions of the principal to be expressed in the presence of a notary public.

According to the Office of Judicial Administration, SB 45 would most likely be accommodated within the existing schedule of court cases and would not require additional resources.