

January 27, 2020

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2500 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2500 is respectfully submitted to your committee.

HB 2500 would amend the Kansas Power of Attorney Act. The bill would require a power of attorney to be deemed sufficient if the document is on a form that the would be created by the Judicial Council; make a third-party not responsible to determine or inquire if the attorney in fact is exceeding or improperly exercising their authority; require a third-party to report any suspected neglect or abuse of the principal to the proper authorities; enable a third-party to require an attorney in fact to provide certification under penalty of perjury of any fact concerning the principal, attorney in fact, or power of attorney; and a third-party may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

The bill would also require a third-party to accept the power of attorney unless:

1. The attorney in fact is not required to be involved in the transaction under normal circumstances;
2. Engaging in the transaction would be in violation of federal law;
3. The third-party has actual knowledge of the termination of the authority of the attorney in fact;
4. The attorney in fact refuses to provide a certification or other required information;
5. The third-party has a good faith belief that the attorney in fact does not have the authority to perform the task; and
6. The third-party has actual knowledge that a report of suspected neglect or abuse has been filed regarding the attorney in fact's activities.

Any challenge to the authority of the attorney in fact could result in the challenger being required to pay reasonable attorney fees and costs.

Both the Office of Judicial Administration and the Judicial Council estimate that any fiscal effect on the Judicial Branch and Council would be negligible resulting from the enactment of HB 2500. Any fiscal effect associated with HB 2500 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive, flowing style.

Larry L. Campbell
Director of the Budget

cc: Mary Rinehart, Judiciary
Janelle Williams, Judicial Council