

February 5, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 103 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 103 is respectfully submitted to your committee.

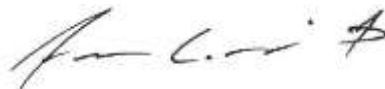
SB 103 would amend current law by adding a provision that a power of attorney executed on or after July 1, 2021, would be deemed sufficient if in substantial compliance with the Judicial Council forms. The Judicial Council would be required to submit a form for the above provision. The above provision would apply prospectively and would not affect the validity of a power of attorney executed prior to July 1, 2021.

The bill would also clarify the duties of third parties relying and acting on a power of attorney. SB 103 would clarify when a third party could rely upon a power of attorney, including when the third party may request certification by the attorney in fact or request opinion of counsel. The bill would allow a court action to mandate acceptance of power of attorney when the third party does not accept the power of attorney. For those actions, if the third party is found to not be acting in good faith, reasonable attorney fees and costs could be assessed.

The Office of Judicial Administration states enactment of SB 103 could increase the number of cases filed in district court because it allows for a court action to enforce a person to accept a power of attorney, which could result in more time spent by court employees and judges processing and hearing cases. According to the Office, a fiscal effect cannot be estimated. The Office estimates that enactment of the bill could result in the collection of docket fees assessed in cases filed under the provisions of the bill.

The Judicial Council states any fiscal effect resulting from enactment of the bill would be negligible. Any fiscal effect associated with SB 103 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary