

Approved January 18, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Michael O'Neal at
Chairperson

3:30 ~~xxx~~/p.m. on January 10, 1989 in room 313-S of the Capitol.

All members were present except:

Representatives Adam, Lawrence, Peterson, Shriver and Snowbarger, who were excused

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

The new members of the Judiciary Committee, Representatives Denise Everhart, George Gomez, Sheila Hochhauser, Barbara Lawrence and Alex Scott were introduced. The Chairman announced the Judiciary Committee would follow the House Rule of not allowing substitute motions.

Jerry Donaldson, Legislative Research Department, reviewed H.B. 2009 -- Durable Power of Attorney, Health Care Decisions. She stated 1988 H.B. 2824 -- Durable Power of Attorney for Health Care was introduced by Representative Dave Heineman and was patterned after California law. The Judiciary Committee recommended the bill for interim study. H.B. 2009 was the result of the study by the Interim Special Committee on Judiciary. H.B. 2009 provides a medical durable power of attorney by adopting the current power of attorney law. Amendments were made to K.S.A. 58-160, 58-611, 58-612 and 58-613 by substituting agent for attorney-in-fact. New language regarding revocation was added to K.S.A. 58-163. K.S.A. 58-614 was amended to read that anyone presented with a power of attorney who, without actual knowledge of any matters affecting its validity, acts in good faith shall not be liable civilly or criminally for relying on the power of attorney. New Sec. 6 of the bill sets forth the powers under the act. New Sec. 7 of the bill states the agent would not be entitled to compensation but would be entitled to reimbursement for expenses. K.S.A. 58-615 was amended to include language that any power of attorney which is a valid durable power of attorney under the laws of the state of the principal's residence at the time the power of attorney was signed, shall be a durable power of attorney under this act. New Sec. 9 of the bill states the provisions of this act shall apply to all powers of attorney regardless of when executed.

The Committee meeting was adjourned at 4:00 p.m.