

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version:	SCS CSHB 8(JUD)
Fiscal Note Number:	6
(S) Publish Date:	4/14/2016

Identifier: HB008CS(JUD)-DOA-OPA-02-04-16  
 Title: POWERS OF ATTORNEY  
 Sponsor: HUGHES  
 Requester: Senate Judiciary

Department: Department of Administration  
 Appropriation: Legal and Advocacy Services  
 Allocation: Office of Public Advocacy  
 OMB Component Number: 43

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>	<b>FY 2017</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

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**Estimated SUPPLEMENTAL (FY2016) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version:

Not applicable, initial version.

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Division:	Office of Public Advocacy	Date:	02/04/2016 02:30 PM
Approved By:	Sheldon Fisher, Commissioner	Date:	02/05/16
Agency:	Department of Administration		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
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**Analysis**

If enacted into law, as drafted, would substantively amend AS 13.26, concerning power-of-attorney instruments, by clarifying and specifying the scope of an agent's duties and the liability of an agent for violation of statutorily prescribed duties.

The bill would also substantively amend provisions of AS 13.26 concerning the statutory form of power-of-attorney instrument, both as to the form itself and substantively by repealing some powers and subject matters and adding others.

The bill appears to be directed to the need to reform and update Alaska's statutes concerning power-of-attorney instruments in response to reports of abuse/fraud, changes in technology and changes in the Uniform Probate Code. The new law would affect a broad range of public and private transactions and entities, ranging from banking, business and commercial transactions and real property transactions to guardianship-conservatorship proceedings where abuse of the powers granted to an attorney-in-fact results in exploitation of an incapacitated or disabled individual.

Within the Office of Public Advocacy, the wards of the Public Guardian and the clients of the Office of Elder Fraud and Assistance would, depending on circumstances, be affected by the new law. The bill would make more definite and firm both the definition of what it means legally to be an agent of a principal under a power-of-attorney instrument, the scope of an agent's duties and liability for breach of duties and the range of transactions that can be covered by a statutory power-of-attorney form. The bill would likely help curb abuse of the power-of-attorney instrument by unscrupulous persons while retaining the utility and ease of use of such instruments across a broad range of transactions.

The bill also creates a new chapter, AS 13.28, concerning utilization of substitute decision making documents, in Alaska. That portion of the bill is taken from the Uniform Probate Code and if enacted would become part of Alaska's version of the Uniform Probate Code. Substitute decision making documents are in wide use across society for reasons of convenience, utility, and changes in technology.

The Office of Public Advocacy does not anticipate additional costs with this legislation and subsequently submits a zero fiscal note.