

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 2203

By: Crain of the Senate

and

Sullivan of the House

6
7
8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to probate procedure; amending 58
11 O.S. 2001, Section 1074, which relates to court-
12 appointed fiduciary and attorney-in-fact; making
13 language gender neutral; providing for termination of
14 durable power of attorney under certain
15 circumstances; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 58 O.S. 2001, Section 1074, is
18 amended to read as follows:

19 Section 1074. A. If, following execution of a durable power of
20 attorney, a court of the principal's domicile appoints a
21 conservator, guardian of the estate, or other fiduciary charged with
22 the management of all of the principal's property or all of ~~his~~ the
23 principal's property except specified exclusions, the
24 ~~attorney-in-fact is accountable to the fiduciary as well as to the~~
~~principal. The fiduciary has the same power to revoke or amend the~~

1 ~~power of attorney that the principal would have had if he were not~~
2 ~~disabled or incapacitated~~ durable power of attorney, upon notice of
3 such appointment, shall terminate.

4 B. A principal may nominate, by a durable power of attorney,
5 the conservator, guardian of his or her estate, or guardian of his
6 or her person for consideration by the court if protective
7 proceedings for the principal's person or estate are thereafter
8 commenced. The court shall make its appointment in accordance with
9 the principal's most recent nomination in a durable power of
10 attorney except for good cause or disqualification. In the event
11 such appointment is made by the court, upon notice, the durable
12 power of attorney shall terminate.

13 SECTION 2. This act shall become effective November 1, 2010.

14
15 52-2-4008 TEK 5/13/2010 2:45:48 PM

16
17
18
19
20
21
22
23
24