

THE HOUSE OF REPRESENTATIVES  
Wednesday, March 31, 2010

Committee Substitute for  
ENGROSSED  
Senate Bill No. 2203

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2203 - By: CRAIN of the Senate and SULLIVAN of the House.

An Act relating to probate procedure; amending 58 O.S. 2001, Section 1074, which relates to court-appointed fiduciary and attorney-in-fact; providing for termination of attorney-in-fact under certain circumstances; and providing an effective date.

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

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

3 Section 1074. A. If, following execution of a durable power of attorney, a court of  
4 the principal's domicile appoints a conservator, guardian of the estate, or other fiduciary  
5 charged with the management of all of the principal's property or all of his property  
6 except specified exclusions, the attorney-in-fact ~~is accountable to the fiduciary as well as~~  
7 ~~to the principal. The fiduciary has the same power to revoke or amend the power of~~  
8 ~~attorney that the principal would have had if he were not disabled or incapacitated, upon~~  
9 notice of such appointment, shall terminate.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-30-10 - DO PASS,  
10 As Amended.