

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 13, 2015**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3095** by Thompson, Senfronia (Relating to durable powers of attorney and advance directives; affecting laws subject to criminal penalties.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
------------------------------------------------------------------------------

The bill would amend the Estates Code regarding durable powers of attorney, those becoming effective on surviving the disability or incapacity of the principal. The bill makes several changes to modify procedures, authority, and liabilities associated with durable power of attorney. The bill would exempt application of these changes for certain situations where a durable power of attorney may be executed. The bill would also amend the Health and Safety Code regarding advance directives to require notary certificate, addresses the authority of an attorney's agent, and addresses permissible forms and enforceability of a medical power of attorney. The bill would add a prescribed certification form for a Certification of Power of Attorney by Agent and adds a section regarding agent's authority with respect to retirement plan transactions. Finally, the bill would repeal two Health and Safety Code sections dealing with the current disclosure statements required for a medical power of attorney.

Based on the analysis of the Office of Court Administration and the Health and Human Services Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 529 Health and Human Services Commission

**LBB Staff:** UP, FR, GDz