

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2183 by Moody (Relating to durable powers of attorney and the construction of certain powers conferred in those powers of attorney.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Estates Code to expand the authority an individual designated an agent pursuant to a statutory durable power of attorney may exercise on behalf of the principal who signed the durable power of attorney. Under the bill's provisions, upon incapacity of the principal, the agent has the power to exercise any power the principal held with regard to any business or entity in which the principal holds an interest, subject to prior existing agreements or other documents regarding the ownership of the entity. The bill would also strike language that limits the agent's authority to situations in which an attorney in fact deems them desirable.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, SLE, BH, MW