

IN THE SENATE

SENATE BILL NO. 1033, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CONSERVATORS AND POWERS OF ATTORNEY; AMENDING SECTION
2 15-12-108, IDAHO CODE, TO PROVIDE THAT RESPONSIBILITIES RELATING TO
3 AN AGENTS ACCOUNTABILITY TO CERTAIN FIDUCIARIES AND PRINCIPALS SHALL
4 ALSO APPLY TO APPOINTED TEMPORARY CONSERVATORS, TO PROVIDE THAT UNDER
5 CERTAIN CONDITIONS POWERS OF ATTORNEY ARE TERMINATED UNLESS OTHERWISE
6 ORDERED BY THE COURT AND TO MAKE A TECHNICAL CORRECTION; PROVIDING AN
7 EFFECTIVE DATE AND PROVIDING FOR APPLICABILITY.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 15-12-108, Idaho Code, be, and the same is
11 hereby amended to read as follows:

12 15-12-108. NOMINATION OF CONSERVATOR; ~~---~~ RELATION OF AGENT TO COURT-
13 APPOINTED FIDUCIARY. (1) In a power of attorney, a principal may nominate a
14 conservator of the principal's estate for consideration by the court if pro-
15 tective proceedings for the principal's estate are thereafter commenced.

16 (2) If, after a principal executes a power of attorney, a court appoints
17 a conservator of the principal's estate or other fiduciary charged with the
18 management of some or all of the principal's property, including appoint-
19 ment of a temporary conservator pursuant to section 15-5-407A, Idaho Code,
20 the agent is accountable to the fiduciary as well as to the principal. The
21 power of attorney is not terminated and the agent's authority continues un-
22 less limited, suspended or terminated otherwise ordered by the court.

23 SECTION 2. This act shall be in full force and effect on and after July
24 1, 2013, and the amendments in this act shall apply only to those appoint-
25 ments of temporary or permanent conservators made on or after July 1, 2013.