

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1960

**DATE:** April 9, 2009

**Version:** First engrossment

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**Subject:** Military powers of attorney

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### Overview

This bill establishes an alternative short form power of attorney that may be used by Minnesota residents who are stationed outside of the state on military active duty.

#### Section

- 1 Powers of attorney.** Adds a technical cross-reference to reflect new language provided elsewhere in the bill.
- 2 Successor attorney-in-fact.** Adds a technical cross-reference to reflect new language provided elsewhere in the bill.
- 3 Affidavit.** Provides that an affidavit submitted by the attorney-in-fact of a member of the military that states that conditions exist which authorize the attorney-in-fact to exercise his or her authority is conclusive proof that those conditions exist.
- 4 Liability; refusal to recognize authority.** Provides that a person who refuses to accept the authority of an attorney-in-fact acting on behalf of a member of the military is not liable for refusal to accept that authority if the person has actual knowledge that the power-of-attorney is not in effect.
- 5 Duties of attorney-in-fact.** Provides that the attorney-in-fact of a member of the military has the duty to maintain an accounting of all transactions, unless the power of attorney specifically states otherwise. If the frequency of the accounting required is not provided in the power of attorney, it must be provided to the principal at least quarterly.  
  
Current law does not require an attorney-in-fact to render an accounting of transactions unless specifically asked or required to do so, or if certain financial transactions are made.
- 6 Requirements of short form.** Provides a technical exception to the requirements of a statutory short form power of attorney, to reflect the new type of form provided by this bill.

**7** **Alternative statutory short form power of attorney.** Establishes an alternative statutory short form power of attorney that may be used by Minnesota residents who are on active military service.

Generally, the powers granted to an attorney-in-fact under this form are more limited in scope than those that may be granted under the standard short form provided in current law. This form does not authorize an attorney-in-fact to transfer real property or engage in a number of financial and fiduciary transactions, and does not permit the principal to extend the power of attorney in the event the principal becomes incompetent or incapacitated.

A power of attorney instrument using this short form is only effective while the principal is on active duty and stationed outside of Minnesota. The power of attorney automatically expires when the principal is no longer on active duty.