

**1st Sub. H.B. 74**  
**UNIFORM POWER OF ATTORNEY ACT**

Representative V. Lowry Snow proposes the following amendments:

1. Page 7, Line 205 through Page 8, Line 216:

205           (2) ~~{If the principal resides in a hospital, assisted living facility, skilled nursing or~~  
206 ~~similar residential care facility, at the time of execution of the power of attorney, a certification~~  
207 ~~of the principal's competency from a physician, psychologist, or psychiatrist shall be attached~~  
208 ~~to the power of attorney.~~  
209 ~~——(3)}~~ If the principal resides or is about to reside in a hospital, assisted living, skilled  
210 nursing, or similar facility, at the time of execution of the power of attorney, the principal may  
211 not name any agent that is the owner, operator, health care provider, or employee of the  
212 hospital, assisted living facility, skilled nursing, or similar residential care facility unless the  
213 agent is the spouse, legal guardian, **or** next of kin of the principal, or unless the agent's authority is  
214 strictly limited to the purpose of assisting the principal to establish eligibility for Medicaid.  
215           ~~{(4) A person who violates the provisions of Subsection 75-9-105(3) is guilty of a third~~  
216 ~~degree felony.}~~ **(3) A violation of Subsection (2) is a violation of Subsection 76-5-111(4)(a).**

2. Page 8, Lines 228 through 230:

228           (4) Except as otherwise provided by statute other than this chapter, a photocopy or  
229 electronically transmitted copy of an original power of attorney has the same effect as the  
230 original. **For transactions involving real property, the copy of the power of attorney may be recorded**  
**in the county where the transaction lies when attached to an affidavit of the person accepting the power**  
**of attorney.**