

By: Representative Chaney

To: Judiciary A

HOUSE BILL NO. 1146

1 AN ACT TO AMEND SECTION 87-3-7, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY EVIDENCE OF A PRINCIPAL'S INTENT TO GIVE AN
3 ATTORNEY-IN-FACT OR AGENT FULL POWER TO GIVE GIFTS IN ACCORDANCE
4 WITH THE PRINCIPAL'S PERSONAL HISTORY OF MAKING OR JOINING IN THE
5 MAKING OF LIFETIME GIFTS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 87-3-7, Mississippi Code of 1972, is
8 amended as follows:

9 87-3-7. (1) A letter of attorney to transact any business
10 need only express plainly the authority conferred.

11 (2) If any power of attorney or other writing (i) authorizes
12 an attorney-in-fact or other agent to do, execute, or perform any
13 act that the principal might or could do or (ii) evidences the
14 principal's intent to give the attorney-in-fact or agent full
15 power to handle the principal's affairs or deal with the
16 principal's property, the attorney-in-fact or agent shall have the
17 power and authority to make gifts in any amount of any of the
18 principal's property to any individuals or to any organizations
19 described in Sections 170(c) and 2522(a) of the Internal Revenue
20 Code or corresponding future provisions of the federal tax law, or
21 both, in accordance with the principal's personal history of
22 making or joining in the making of lifetime gifts.

23 (3) Subsection (2) of this section is declaratory of past
24 and present law in the State of Mississippi, and shall be applied
25 to all powers of attorney, whether executed before, on or after
26 the effective date of this act.

27 SECTION 2. This act shall take effect and be in force from

28 and after its passage.