

ALASKA STATE LEGISLATURE

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HB8 Powers of Attorney and Substitute Decision-Making Documents

Version E

Explanation of Changes

February 19, 2015

Page 5, line 17: added "Notwithstanding AS 13.26.357"

- This statutory reference was added because of new section (page 36, line 7) of validity of powers of attorney to connect the validity with the section that says you're not required to accept the powers.

Page 8, lines 10-14: added "If you do not mark either of the boxes opposite a category, or if you mark both of the boxes opposite a category, your agent or agents will not have the power in that category."

- This language satisfies the interpretation of the powers in the event the form was not filled out completely or unclearly.

Page 9, line 2: removes "Delegation" from the list of general powers because it is included in "grant of specific authority" and renumbers the remainder of the list.

Page 9, lines 19-25: includes the additional "grant of special authority" items that were not included in version A.

1. Create or change rights of survivorship
2. Delegate authority granted under the power of attorney
3. Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
4. Exercise fiduciary powers that the principal has authority to delegate

Page 12, lines 11-12: The committee requested to include definitions for Guardian or Conservator. Because both are defined elsewhere in statute, it was recommended not to repeat definitions in this Act.

- Guardian AS 13.26.005
- Conservator AS 13.26.210

Page 13, lines 4-7: new section (5) if the principal has failed to mark either of the “Yes” or “No” boxes opposite a category of power, or if the principal has marked both the “Yes” or “No” boxes opposite a category of power, the agent does not have the power in that category.

Page 34, line 30: includes the office of the long term care ombudsman in the list of agencies with specific authority to protect the welfare of the principal.

Page 36, line 4: clarification

September 4, 1988 was the date power of attorney was first entered into statute in Alaska

Page 36, line 7-13: new section 25: **Sec. 13.26.357. Execution of power of attorney.** A power of attorney executed in this state is valid if the principal

1. Signs the power of attorney or, in the principal’s conscious presence, directs another individual to sign the principal’s name on the power of attorney; and
2. Acknowledges the signature before a notary public or other individual authorized by law to take acknowledgements.

Page 36, line 15: definition already provided

- Public home care provider AS 47.05.017(3)(c)