

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-NINTH LEGISLATURE
FIRST SPECIAL SESSION

Juneau, Alaska

Saturday

May 16, 2015

Nineteenth Day

The House was called to order by Speaker pro tempore Millett at 10:33 a.m.

The following members were present for the technical session: Representatives Millett, Kito, and Munoz.

MESSAGES FROM THE GOVERNOR

HB 4

A message dated May 14, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE BILL NO. 4

"An Act relating to automated external defibrillators."

Chapter No. 19, SLA 2015

Effective Date: August 12, 2015

HB 5

The following letter was dated and received May 14, 2015, at 5:06 p.m.:

"Dear Speaker Chenault:

Under the authority vested in me by Article II, Section 15, of the Alaska Constitution, I have vetoed the following bill:

SENATE CS FOR HOUSE BILL NO. 5(JUD)

"An Act relating to the persons who may be appointed guardians of incapacitated persons or conservators of protected persons."

This bill would remove restrictions in current law upon who the court may appoint as a guardian or conservator for an incapacitated or protected person, but does so without the necessary safeguards to ensure those persons appointed will act in the best interests of the incapacitated or protected person.

Under current law, the court may appoint a person as a guardian or conservator, despite a potential conflict of interest, only if the person is the spouse, adult child, parent, or sibling of the incapacitated or protected person and the court finds that the potential conflict of interest is insubstantial and that the appointment would clearly be in the best interest of the incapacitated or protected person. The most common type of conflict of interest is when the person to be appointed as a guardian or conservator is also serving as a service provider to the incapacitated or protected person. The bill would remove the requirement that a person with a potential conflict of interest be a family member. In short anyone – related or not – to the person in need of protection could have legal control over the vulnerable person's legal affairs and finances. Although the bill would still require the court to make written finding as to the nature and scope of the conflict of interest, that requirement is not enough to ensure that guardians and conservators who are not family members will act in the best interest of the protected person. More protections, such as requiring a background check for example, would be needed in order for me to be assured that vulnerable Alaskans will be protected.

As originally proposed by the sponsor, the bill would have addressed conservatorships only, and would have required that the person with a potential conflict of interest could be appointed conservator if that person was an adult related by blood, marriage, or adoption to the protected person (instead of being the spouse, adult child, parent, or

sibling). But, during the legislative process, the bill was amended so to allow an unrelated person with a potential conflict of interest to be appointed as a guardian or conservator. This broadening of the pool of persons who could serve as a guardian or conservator was not accompanied by needed safeguards to ensure only reliable and trustworthy persons would be appointed.

My objections are based on the sad reality that opportunities for abuse and fraud exist within the framework of guardianships and conservatorships. By making it easier for service providers to be appointed as guardians and conservators, the bill raises the risk that seniors, and those very dependent on others, could be at risk of financial abuse and exploitation by those tasked with their care. I am particularly concerned about our elder citizens and the possibility this bill could make them more vulnerable to elder financial abuse. Unfortunately, the incidence of elder financial abuse is significant, and the consequences are devastating. Numerous news reports and studies highlight that incidences of financial loss due to financial exploitation of elders is a growing problem. In addition to the mental distress caused to victims, the financial toll on victims, their families, and the agencies that serve vulnerable adults is enormous. An elderly person who is the victim of financial abuse may be more likely to require state services, such as adult protective services and medical assistance.

Since the scope of the problem of financial abuse is enormous and complex, we must proceed very cautiously and ensure that maximum protections exist in State law to thwart the problems of financial and other abuse against elders and other vulnerable persons by those very persons appointed to protect them. This bill lacks the comprehensive and cautious approach required.

For these reasons, I have vetoed SCS HB 5 (JUD).

Sincerely,

/s/

Bill Walker
Governor"

HB 15

A message dated May 14, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 15(JUD)

"An Act relating to credits toward a sentence of imprisonment for certain persons under electronic monitoring; and relating to mitigating factors at sentencing."

Chapter No. 20, SLA 2015

Effective Date: August 12, 2015

HB 26

A message dated May 14, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR HOUSE BILL NO. 26(L&C)

"An Act extending the termination date of the Board of Certified Direct-Entry Midwives; requiring an interim report regarding the board's audit compliance and budget deficit; and providing for an effective date."

Chapter No. 18, SLA 2015

Effective Date: May 15, 2015

HB 70

A message dated May 14, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 70(RES)

"An Act adding land and water to the Creamer's Field Migratory Waterfowl Refuge."

Chapter No. 21, SLA 2015

Effective Date: August 12, 2015

SB 5

A message dated May 11, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 5

"An Act relating to loss of income and valuing property for orders of restitution."

Chapter No. 17, SLA 2015

Effective Date: August 9, 2015

SB 15

A message dated May 11, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 15

"An Act relating to the tax on policy year premiums for life insurance policies."

Chapter No. 13, SLA 2015

Effective Date: August 9, 2015

SB 19

A message dated May 11, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR SENATE BILL NO. 19(CRA)

"An Act relating to road service area boundary changes."

Chapter No. 14, SLA 2015

Effective Date: August 9, 2015

SB 34

A message dated May 11, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR SENATE BILL NO. 34(FIN)

"An Act relating to investment of the power cost equalization endowment fund; and providing for an effective date."

Chapter No. 11, SLA 2015

Effective Date: May 12, 2015

SB 35

A message dated May 14, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 35

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

Chapter No. 22, SLA 2015

Effective Date: See Chapter

SB 43

A message dated May 11, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 43(JUD)

"An Act relating to immunity for a fire department and employees or members of a fire department."

Chapter No. 15, SLA 2015

Effective Date: August 9, 2015

SB 70

A message dated May 11, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 70(RES)

"An Act relating to exceptions from designation as a special purpose site under art. VIII, sec. 7 of the Constitution of the State

of Alaska for portions of Denali State Park, Captain Cook State Recreation Area, Nancy Lake State Recreation Area, and Willow Creek State Recreation Area to allow leasing a right-of-way for a natural gas pipeline."

Chapter No. 12, SLA 2015
Effective Date: August 9, 2015

SB 71

A message dated May 11, 2015, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 71

"An Act relating to the practice of pharmacy; and relating to the administration of vaccines and related emergency medications."

Chapter No. 16, SLA 2015
Effective Date: August 9, 2015

ENROLLMENT**HCR 13**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:30 p.m., May 14, 2015:

HOUSE CONCURRENT RESOLUTION NO. 13

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Joint Resolution No. 16, expressing support for the Arctic Economic Council and the United States Arctic Economic Council delegation; requesting that the United States Congress express support for the Arctic Economic Council, for the chair of the Arctic Economic Council to be a resident of this state, and for the structure of the Arctic Economic Council leadership to mirror the rotation of the chair of the Arctic Council; and urging the United States Congress to

empower residents of the state as partners in the Arctic Economic Council.

Legislative Resolve No. 24

HB 131

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:30 p.m., May 14, 2015:

HOUSE BILL NO. 131 am

"An Act relating to the licensure of nail technicians and hairdressers; relating to the practice of manicuring; and providing for an effective date."

HB 135

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:30 p.m., May 14, 2015, with a manifest error memorandum (page 1177):

HOUSE BILL NO. 135

"An Act establishing a Roth contribution program for the public employees' deferred compensation program; and providing for an effective date."

HB 161

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:30 p.m., May 14, 2015:

CS FOR HOUSE BILL NO. 161(HSS)

"An Act relating to the purchase of durable medical equipment under Medicaid; and providing for an effective date."

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Munoz, Acting Majority Leader, moved and asked unanimous consent that the House adjourn until 10:30 a.m., May 19, 2015. There being no objection, the House adjourned at 10:37 a.m.

Suzi Lowell
Chief Clerk