

SENATE BILL NO. 99

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR MYERS

Introduced: 2/14/25

Referred: Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to private professional conservators; and providing for an effective**
2 **date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.26.030 is amended to read:

5 **Sec. 08.26.030. Requirements for private professional conservator license.**

6 The department shall issue a private professional conservator license to an individual

7 (1) who is at least 21 years of age;

8 (2) who has obtained a high school diploma, or a general education
9 development diploma or its equivalent;

10 (3) who has six months' employment experience in a position
11 involving financial management, or has at least an associate degree in accounting or a
12 closely related field;

13 (4) who is

14 (A) certified as a guardian by a nationally recognized

1 organization in the field of guardianships; or

2 **(B) licensed as a certified public accountant under**

3 **AS 08.04:**

4 (5) whose criminal history record checks under AS 08.26.070 show
5 that the individual has not been convicted of a felony or of a misdemeanor offense in
6 the state or in any other jurisdiction involving fraud, misrepresentation, material
7 omission, misappropriation, theft, conversion, or any other crime that the department
8 determines would affect the individual's ability to provide the services of a conservator
9 competently and safely for the protected person within 10 years before the application;
10 and

11 (6) who satisfies the application requirements of AS 08.26.060.

12 * **Sec. 2.** AS 08.26.050(a) is amended to read:

13 (a) The department shall issue a temporary license to an individual under
14 AS 08.26.020 [OR 08.26.030] who

15 (1) is not certified by a nationally recognized organization in the field
16 of guardianships at the time of the application but is likely to become certified within
17 one year from the date [OF] the **temporary** license **is issued;** [,] and

18 **(2)** otherwise satisfies the licensing requirements of AS 08.26.020 [OR
19 08.26.030; AND

20 (2) SATISFIES THE APPLICATION REQUIREMENTS OF
21 AS 08.26.060].

22 * **Sec. 3.** AS 08.26.050(b) is amended to read:

23 (b) If **an** [THE] individual with a temporary license under (a) **or (d)** of this
24 section submits proof of **the required certificate or license** [CERTIFICATION BY A
25 NATIONALLY RECOGNIZED ORGANIZATION IN THE FIELD OF
26 GUARDIANSHIPS] within one year from the date of the issuance of the temporary
27 license, the department shall issue the individual a license under AS 08.26.020 or
28 08.26.030 without requiring a new application.

29 * **Sec. 4.** AS 08.26.050 is amended by adding a new subsection to read:

30 (d) The department shall issue a temporary license to an individual under
31 AS 08.26.030 who

1 (1) is not certified by a nationally recognized organization in the field
 2 of guardianships or licensed as a certified public accountant under AS 08.04 at the
 3 time of the application but is likely to become certified or licensed within one year
 4 from the date the temporary license is issued; and

5 (2) otherwise satisfies the licensing requirements of AS 08.26.030.

6 * **Sec. 5.** AS 08.26.130 is amended to read:

7 **Sec. 08.26.130. Grounds for disciplinary action.** The department may take
 8 disciplinary action against an individual under AS 08.01.075 or refuse to issue or
 9 renew a license if the department determines that the individual

10 (1) obtained or attempted to obtain a license under this chapter through
 11 deceit, fraud, or intentional misrepresentation;

12 (2) has not complied with the standards of conduct established by the
 13 department under AS 13.26.001;

14 (3) forfeited a license in this or another jurisdiction as a result of
 15 deceit, fraud, intentional misrepresentation, or professional incompetence;

16 (4) has been found by a court in this state to have engaged in
 17 professional misconduct or incompetence;

18 (5) has advertised the individual's services in a false or misleading
 19 manner;

20 (6) has been convicted, including a conviction based on a guilty plea or
 21 plea of nolo contendere, of a felony or other crime that affects the individual's ability
 22 to provide services competently and safely for the ward or protected person;

23 (7) has been found to have abandoned, exploited, abused, or neglected
 24 a vulnerable adult; in this paragraph, "vulnerable adult" has the meaning given in
 25 AS 47.24.900;

26 (8) has failed to comply with this chapter or with a regulation adopted
 27 under this chapter;

28 (9) has continued or attempted to practice after becoming unfit due to
 29 professional incompetence;

30 (10) has failed to maintain **the certification or licensure required to**
 31 **obtain the individual's license under AS 08.26.020(a)(3) or 08.26.030(4)** [BY A

1 NATIONALLY RECOGNIZED ORGANIZATION IN THE FIELD OF

2 (A) GUARDIANSHIPS, IF THE INDIVIDUAL WAS
3 ISSUED A PRIVATE PROFESSIONAL GUARDIAN LICENSE; OR

4 (B) CONSERVATORSHIPS, IF THE INDIVIDUAL WAS
5 ISSUED A PRIVATE PROFESSIONAL CONSERVATOR LICENSE]; or

6 (11) fails to maintain a bond or other surety as required by a court
7 order.

8 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).