

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 31, 2008

1:32 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

Representative Bob Lynn

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 101(2d L&C)

"An Act relating to private professional conservators, private and public guardians, and court hearings on the issue of incapacity; and establishing uniform adult guardianship and conservator jurisdiction and procedures."

- MOVED HCS CSSB 101(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 323

"An Act relating to the crimes of assault in the fourth degree and of resisting or interfering with arrest; relating to the determination of time of a conviction; relating to offenses concerning controlled substances; relating to issuance of search warrants; relating to persons found incompetent to stand trial concerning criminal conduct; relating to probation and to restitution for fish and game violations; relating to aggravating factors at sentencing; relating to criminal extradition authority of the governor; removing the statutory bar to prosecution of certain crimes; amending Rule 37(b), Alaska Rules of Criminal Procedure, relating to execution of warrants; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 101

SHORT TITLE: GUARDIANSHIP/CONSERVATORS/INCAPACITY
SPONSOR(S): LABOR & COMMERCE

02/28/07 (S) READ THE FIRST TIME - REFERRALS
02/28/07 (S) L&C, STA, FIN
03/08/07 (S) L&C AT 1:30 PM BELTZ 211
03/08/07 (S) Heard & Held
03/08/07 (S) MINUTE(L&C)
03/13/07 (S) L&C AT 1:30 PM BELTZ 211
03/13/07 (S) Moved CSSB 101(L&C) Out of Committee
03/13/07 (S) MINUTE(L&C)
03/14/07 (S) L&C RPT CS 3DP 1NR SAME TITLE
03/14/07 (S) DP: ELLIS, BUNDE, DAVIS
03/14/07 (S) NR: STEVENS
03/27/07 (S) STA AT 9:00 AM BELTZ 211
03/27/07 (S) Heard & Held
03/27/07 (S) MINUTE(STA)
03/29/07 (S) STA AT 9:00 AM BELTZ 211
03/29/07 (S) Moved CSSB 101(STA) Out of Committee
03/29/07 (S) MINUTE(STA)
03/30/07 (S) STA RPT CS 3DP 2NR SAME TITLE
03/30/07 (S) DP: MCGUIRE, GREEN, BUNDE
03/30/07 (S) NR: FRENCH, STEVENS
01/15/08 (S) RETURNED TO L&C COMMITTEE
01/24/08 (S) L&C AT 3:00 PM BELTZ 211
01/24/08 (S) -- Rescheduled to 01/25/08 --
01/25/08 (S) L&C AT 3:00 PM BELTZ 211
01/25/08 (S) Moved CSSB 101(L&C) Out of Committee
01/25/08 (S) MINUTE(L&C)
01/28/08 (S) L&C RPT CS(2D) 4DP NEW TITLE
01/28/08 (S) DP: ELLIS, BUNDE, DAVIS, HOFFMAN
02/06/08 (S) FIN AT 9:00 AM SENATE FINANCE 532
02/06/08 (S) Heard & Held
02/06/08 (S) MINUTE(FIN)
02/19/08 (S) FIN RPT CS(2D L&C) 4DP 3NR
02/19/08 (S) DP: ELTON, THOMAS, DYSON, HUGGINS
02/19/08 (S) NR: HOFFMAN, STEDMAN, OLSON
02/19/08 (S) FIN AT 9:00 AM SENATE FINANCE 532
02/19/08 (S) Moved CSSB 101(2d L&C)) Out of
Committee
02/19/08 (S) MINUTE(FIN)
02/25/08 (S) TRANSMITTED TO (H)
02/25/08 (S) VERSION: CSSB 101(2D L&C)
02/27/08 (H) READ THE FIRST TIME - REFERRALS
02/27/08 (H) L&C, JUD
03/12/08 (H) L&C AT 3:00 PM CAPITOL 17
03/12/08 (H) -- MEETING CANCELED --

03/14/08 (H) L&C AT 3:00 PM CAPITOL 17
03/14/08 (H) Moved Out of Committee
03/14/08 (H) MINUTE(L&C)
03/17/08 (H) L&C RPT 5DP 1NR
03/17/08 (H) DP: GARDNER, BUCH, RAMRAS, GATTO, OLSON
03/17/08 (H) NR: NEUMAN
03/27/08 (H) JUD AT 1:00 PM CAPITOL 120
03/27/08 (H) Heard & Held
03/27/08 (H) MINUTE(JUD)
03/31/08 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

No witnesses to record

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:32:42 PM](#). Representatives Holmes, Gruenberg, Coghill, and Ramras were present at the call to order. Representatives Dahlstrom and Samuels arrived as the meeting was in progress.

SB 101 - GUARDIANSHIP/CONSERVATORS/INCAPACITY

[1:32:51 PM](#)

CHAIR RAMRAS announced that the only order of business would be CS FOR SENATE BILL NO. 101(2d L&C), "An Act relating to private professional conservators, private and public guardians, and court hearings on the issue of incapacity; and establishing uniform adult guardianship and conservator jurisdiction and procedures." [Before the committee was the proposed House committee substitute (HCS) for SB 101, Version 25-LS0559\T, Bullard, 3/24/08, which was adopted as the work draft on 3/27/08.]

CHAIR RAMRAS closed public testimony on SB 101.

REPRESENTATIVE GRUENBERG relayed that in a meeting between himself, Deborah Behr, and Ernest Schlereth, they'd reached a compromise that would address Mr. Schlereth's concerns as expressed during the hearing on 3/27/08, and that Amendment 1 reflects that compromise.

[1:34:23 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, which read [original punctuation provided]:

Page 22, line 17:

Insert:

"Sec. 13.27.420. Relation to AS 13.26.

Nothing in this chapter limits the rights of an incapacitated person available in a guardianship or conservatorship proceeding in this state under AS 13.26."

CHAIR RAMRAS objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG relayed that Amendment 1 simply provides notice of what would ordinarily be the rule anyway, that being that unless there is a specific provision in the proposed Uniform [Adult Guardianship and Protective Proceedings Jurisdiction] Act, nothing in [proposed AS 13.27] is intended to limit the rights of an incapacitated person available in a guardianship or conservatorship [proceeding in this state] under AS 13.26.

CHAIR RAMRAS removed his objection, and announced that Amendment 1 was adopted.

[1:36:11 PM](#)

REPRESENTATIVE DAHLSTROM moved to report the proposed House committee substitute (HCS) for SB 101, Version 25-LS0559\T, Bullard, 3/24/08, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 101(JUD) was reported from the House Judiciary Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:36 p.m.