

**SENATE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-NINTH LEGISLATURE**  
**FIRST SPECIAL SESSION**

**Juneau, Alaska**

**Friday**

**May 15, 2015**

**Eighteenth Day**

Pursuant to adjournment the Senate was called to order by President Meyer at 11:03 a.m. The Senate was convened for the purpose of a technical session.

Senator Coghill moved and asked unanimous consent that the roll call of the Senate be waived. Without objection, it was so ordered.

**Messages from the Governor**

**SB 34**

Message was received stating the Governor signed the following bill on May 11 and transmitted 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 11, SLA 2015  
Effective Date: 5/12/15

**SB 70**

Message was received stating the Governor signed the following bill on May 11 and transmitted 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 12, SLA 2015  
Effective Date: 8/9/15

**SB 15**

Message was received stating the Governor signed the following bill on May 11 and transmitted 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 13, SLA 2015  
Effective Date: 8/9/15

**SB 19**

Message was received stating the Governor signed the following bill on May 11 and transmitted 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 14, SLA 2015  
Effective Date: 8/9/15

**SB 43**

Message was received stating the Governor signed the following bill on May 11 and transmitted 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 15, SLA 2015  
Effective Date: 8/9/15

**SB 71**

Message was received stating the Governor signed the following bill on May 11 and transmitted 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 16, SLA 2015  
Effective Date: 8/9/15

**SB 5**

Message was received stating the Governor signed the following bill on May 11 and transmitted 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 17, SLA 2015  
Effective Date: 8/9/15

**HB 26**

Message was read stating the Governor signed the following bill on May 14 and transmitted 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 18, SLA 2015  
Effective Date: 5/15/15

**HB 4**

Message was read stating the Governor signed the following bill on May 14 and transmitted 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 19, SLA 2015  
Effective Date: 8/12/15

**HB 15**

Message was read stating the Governor signed the following bill on May 14 and transmitted 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 20, SLA 2015  
Effective Date: 8/12/15

**HB 70**

Message was read stating the Governor signed the following bill on May 14 and transmitted 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 21, SLA 2015  
Effective Date: 8/12/15

**HB 5**

Message dated May 14 was read stating:

Dear President Meyer:

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 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 a 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

### **Announcements**

Rule 23(d) of the Alaska State Legislature Uniform Rules is currently in effect.

Announcements are at the end of the journal.

### **Adjournment**

Senator Coghill moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., May 19, 2015. Without objection, the Senate adjourned at 11:06 a.m.

Liz Clark  
Secretary of the Senate

**Announcements**

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

**JOINT COMMITTEES****TASK FORCE ON UNMANNED AIRCRAFT SYSTEMS**

<b>Jun 19</b>	<b>Friday</b>	<b>Anch Lio Auditorium</b>	<b>12:00 PM</b>
Time: 12:00 PM to 5:00 PM			
+	UAS Privacy Policy Discussion and Review of Privacy Guidelines Document -- Public Testimony --		