

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

organization in the field of guardianships; or

(B) licensed as a certified public accountant under

AS 08.04;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) has failed to maintain the certification or licensure required to 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).