

HB

645



JUNEAU ALASKA

Alaska State Legislature House

HOUSE HESS COMMITTEE

JAN 28, 1976

Present: All present except Osterback

Testifying: Eric Lee CRA Bob Gregovitch, H&SS
 Harvey Pitts, CRA

HB 560 - Day care facilities - Rules/Gov

Eric Lee stated that this bill intended to clear up problems of statutes so that the bill conforms to legislative intent.

Committee wanted to know how much of 1.2 million was committed and to whom.

Harvey Pitts - to date \$900,000 all over state, read list of locations.

Committee wanted to know the relationship that the municipalities would play in day care program. What areas and problems particular to rural areas, how can rural facilities meet requirements.

Sullivan - move to pass out , no objection, do pass

HB 645 - Guardians for incapacitated persons - Rules/Gov

Bob Gregovitch H&SS, This bill reinforces partial guardianship

Committee would like someone from the Dept. of Law to testify, also would like Clark Gr. to testify because he worked in this area during interim.

Sullivan - would like dept of law to testify before Judiciary on bill and would like to hear Clark.

MEMORANDUM


State of Alaska

TO: Frances Ulmer
Legislative Assistant
Governor's Office

DATE: March 5, 1976

FILE NO.

TELEPHONE NO.

FROM: Arthur H. Peterson 
Assistant Attorney General
Department of Law

SUBJECT: HB 645 (plenary and partial
guardians) and HB 734
(developmentally disabled
persons, guardians, etc.)

In response to your request for a comparison between these two bills, I am attaching a comparison sheet prepared by Assistant Attorney General Richard Peter. Essentially, his conclusion is that a final bill should combine various aspects of both bills, and he notes that Department of Health and Social Services staff are analyzing these bills in detail and will be presenting that department's position to the appropriate legislative committee. We will no doubt be working with them.

You will recall that, before preparation of the final version of the governor's bill (HB 645), we exchanged correspondence with Professor Richard Wellman who is the person primarily responsible for the development and drafting of the Uniform Probate Code as promulgated by the National Conference of Commissioners on Uniform State Laws. The final ~~bill~~^{HB 645} and the governor's transmittal letter reflect our attempt to deal with Professor Wellman's suggestions appropriately. The same approach should be taken when preparing the final bill which combines both HB 645 and HB 734. I believe that you have a copy of that correspondence, but, if you don't, it is readily retrievable from my file.

AHP:md

cc: Ronald Lorensen
Assistant Attorney General

Richard L. Peter
Assistant Attorney General

COMPARISON OF HB 734 WITH HB 645

(Guardianships)

HB 734

HB 645

(Mental Health Task Force)

(Governor's bill)

Sec. 4 defines "full" and "partial" guardians.

Sec. 1 treats of "plenary" and "partial" guardians.

Requires enumeration of partial guardians duties by court order.

Sec. 2 Requires court order enumerating duties of partial guardian.

Sec. 5 .Brings testamentary guardians into "partial" concept.

Sec. 6 Sets up separate procedure for appointment of "partial" guardian.

Sec. 7 Strengthens rights of respondent in full guardianship procedure.

Sec. 3 Court to examine (with physician and visitor) proposed and alternative living arrangements for ward.

Sec. 8 Specifies "full" guardian.

Requires guardian to notify court if he places ward in mental institution without court order so specifying.

Sec. 9 Defines scope of capacity of ward of partial guardian. THIS IS ONE OF PROF. WELLMAN'S OBJECTIONS.

Sec. 4 Ties term of guardian to court order.

Sec.10 Recognizes modification as well as termination of court order. Removes minimum period in which petition to terminate finding of incapacity may be filed without special leave.

Sec. 5. Recognizes modification.

Sec. 6 Recognizes modification.

Sec.11 In proceeding for appointment or removal of full or partial guardian requires notice to additional persons.

Sec.12 Requires powers of temporary guardian to be specified in court order.

Sec.13.

Court may not customarily appoint custodial agency as guardian.

Sec.7 Adds agencies to possible guardians. Court may not customarily appoint custodial agency as guardian.

Sec. 14. Permits consolidation of guardian and conservator actions.

Sec. 8 Details minimum requirements of report of condition of ward by guardian.

Sec. 9 Requires court to advise ward of right to request later dismissal or modification of guardianship order.

S U M M A R Y

The task force bill contains only one of the things Professor Wellman objected to: the scope of rights remaining in ward of a partial guardian. (Sec. 9)

With this exception, provisions of task force bill are not objectionable, but may be inadequate.

It adds some good features but I think the governor's bill has some other good points which should be in any legislation adopted, such as sections 3 and 9 of HB 645.

I would favor consolidation of the two measures in the form that is politically more viable -- probably the task force bill because it has had wider input.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 734

Title: Developmental Disabilities Act

Requested by: _____ Date: _____

Return Date Requested: _____

Agency: Health & Social Services Program: Mental Health & Developmental Disabilities

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Harborview, Contracts, Admin. & Support

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		3452.4	3935.7	4486.7	5114.8	5830.9
200 TRAVEL		82.1	89.5		106.4	116.0
300 CONTRACTUAL		4596.1	5009.7	5460.6	5952.1	6487.8
400 COMMODITIES		401.2	437.3	476.7	519.6	566.4
500 EQUIPMENT		33.9	37.0	40.3	43.9	47.9
600 LAND & STRUCTURES		27.0	29.4	32.0	34.9	38.0
700 GRANTS, CLAIMS, ETC.		201.0	219.1	238.8	260.3	283.7
TOTAL		8,793.7	9,757.7	10,832.7	12,032.0	13,370.7

B. FUNDING: (Thousands of dollars)

GENERAL FUND		4321.9	4803.9	5341.4	5941.0	6610.4
FEDERAL FUNDS		4471.8	4953.8	5491.3	6091.0	6760.3
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	174 /	174 /	174 /	174 /	174 /
MAN MONTHS (P./T.)	/	2205 /	2205 /	2205 /	2205 /	2205 /

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

(SEE ATTACHED)

IV. ATTACHMENTS

V. DATE: _____ PREPARED BY: _____

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

FISCAL NOTE

HB 734

III ANALYSIS

(B)

1.

<u>No. of Position</u>	<u>Position</u>	<u>Salary & Benefits</u>
1	Director	52.5
1	Clinician IV	40.1
3	Clinician III	119.5
1	Attorney II	32.7
1	Admin. Officer II	29.9
1	Research Analyst II	26.2
1	Secretary	17.4
5	Clerk Typist III	78.9
2.	Rental Office	55.0
	Supporting Services, Phones, Etc.	44.0
	Equipment	19.0

3. This program should be all Medicaid 50/50 Fed./State.

(C) The fiscal computations are strictly maintenance level, adding community programs. Personal services computed @ 14% C.O.L.A. Other @ 9% C.O.L.A.