

SB

101

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE RETURNED: 1/28/08

FURTHER:

DATE TURNED
IN TO OFFICE: 2/19/08

Finance Committee considered SENATE BILL NO. 101

SB 101 GUARDIANSHIP AND CONSERVATORS

"An Act relating to private professional conservators and private and public guardians."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or YES SB 101 (2d LDC)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/> Same Title	
<input checked="" type="checkbox"/> New Title	
HOUSE BILL:	
<input type="checkbox"/> Same Title	
<input type="checkbox"/> Technical Title Change	
<input type="checkbox"/> New Title w/ SCR # _____	

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	2/05/08			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
CCET	1/18/08			✓	3
ADMIN	11/29/07			✓	4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dyson	✓			
	Haggen	✓			
	Olson			✓	
CO-CHAIR:	HOFFMAN			✓	
CO-CHAIR:	STEINHILBER			✓	

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS SB 101 (L&C)
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU Senior and Disabilities Svcs
 Component Senior/Disabilities Svcs Admin

ID(File name) SB101CS(2d L&C)-DHSS-SDSA-2-5-08
 Title GUARDIANSHIP AND CONSERVATORS
 Sponsor SENATE (L&C)
 Requester SENATE FINANCE

Component No. 2663

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES (0)								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1037 GF/Mental Health								
Other(Specify Type-do not abbreviate)								
Other(Specify Type-do not abbreviate)								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)
 SB 101 CS(2dL&C) directly impacts the Office of Public Advocacy, but will assist Adult Protective Services workers as they work with vulnerable adults. In addition to providing improved guidelines for private guardians, it also provides additional protection for incapacitated persons unjustly involved in interstate guardianship proceedings. This fiscal note will have a zero fiscal impact to Senior and Disabilities Services.

Prepared by: Rod Moline, Division Director
 Division Senior and Disabilities Services
 Approved by: Karleen Jackson, Commissioner
 Agency Department of Health and Social Services

Phone 465-3372
 Date/Time 02/04/2008
 Date 02/05/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSSB 101(2d L&C)
(S) Publish Date: 1/28/08

Identifier (file name): SB101-DOA-OPA-11-29-07 Dept. Affected: Administration
Title: An Act relating to private professional conservators RDU: Legal and Advocacy Services
and private and public guardians. Component: Office of Public Advocacy
Sponsor: Labor and Commerce Component Number: 43
Requester: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This bill will amend the current licensure requirements for private professional conservators and guardians so as to eliminate duplicative licenses and fees. This legislation would also impose requirements that public guardians and conservators undergo criminal background checks to determine whether the applicant has been convicted of any crimes of dishonesty within ten years of his or her application, and also require that Public Guardians receive certification from a national guardian/conservatorship organization within one year of employment at OPA. These two requirements are already imposed on private guardians. The costs of the criminal background checks and certification fees will be de minimus, and therefore, OPA submits a zero fiscal note.

Prepared by: Joshua P. Fink, Director
Division: Office of Public Advocacy
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-269-3501
Date/Time 11/29/07 4:00 p.m.
Date 11/29/2007

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 101(2d L&C)
(S) Publish Date: 1/28/08

Identifier (file name): SB101CS(STA)-CED-OL-01-18-08 Dept. Affected: DCCED
Title Guardianship and Conservators RDU Corp, Bus and Prof Licensing (117)
Component Corp, Bus and Prof Licensing
Sponsor Senate Labor & Commerce
Requester Senate Labor & Commerce Component Number 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation amends various provisions of AS 08.26 Professional Conservators and Guardians and new funds are not required to implement the provisions of this bill. The licensing program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by fees are anticipated to cover its full operating costs.

Prepared by: Jennifer Strickler, Chief
Division: Corporations, Business and Professional Licensing
Approved by: Emil Notti, Commissioner
Commerce, Community, and Economic Development

Phone: (907) 465-2144
Date/Time: 1/18/08 6:00 PM
Date: 1/18/2008



Official Business

Alaska State Legislature

Senate

Office of the Secretary

State Capitol, Room 213
Juneau, Alaska 99801-1182
Phone: (907) 465-3701
Fax: (907) 465-2832
Email: senate_secretary@legis.state.ak.us

FOR YOUR IMMEDIATE ATTENTION

DATE: January 15, 2008
TO: Finance Committee
(Nancy Thomas, Room 519)
FROM: Office of the Senate Secretary
SUBJ: Referral Change

The Senate President has added/changed the referral(s) on the following bill(s):

RETRIEVE

SENATE BILL NO. 101

"An Act relating to private professional conservators and private and public guardians."

Please give the bill file(s) to the page delivering this message. The bill file(s) may be returned to your Committee, if appropriate, after the designated changes have been made.

Thank you.

2/06/08

25th
ALASKA STATE LEGISLATURE

Senator Johnny Ellis, Chair
Senator Gary Stevens, Vice Chair
Senator Bettye Davis
Senator Lyman Hoffman
Senator Con Bunde



State Capitol, Room 9
465-3704

Senate Labor & Commerce Committee

Senate Bill 101, An Act relating to private professional conservators and private and public guardians

Sponsor Statement

The Senate Labor & Commerce Committee introduced Senate Bill 101, An Act relating to private professional conservators and private and public guardians, at the request of the Office of Public Advocacy. The bill seeks to encourage more private professional guardians in Alaska, while assuring that individuals providing that service are appropriately licensed and regulated. Additionally, it mandates that public guardians meet or exceed the same standards as private professional guardians.

Senate Bill 101, now CSSB 101 (2nd L&C) would amend licensing statutes to require that all private professional guardians and conservators be licensed individually; the bill would repeal organizational licenses. Also, the bill would clarify that bonding and insurance requirements for guardians and conservators are those imposed by courts. The bill specifies certain crimes that would disqualify an individual from obtaining a license and imposes a further test of any other crime that would indicate that the individual is unsuitable to competently and safely provide services to the protected person. The bill also mandates written findings where courts deviate from the priority lists of potential guardians or conservators.

Additionally, the bill now incorporates into Alaska Statutes the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. This legislation, developed by the National Conference of Commissioners for Uniform State Laws, would establish common procedures among states for settling jurisdictional, transfer and enforcement issues arising from guardianship cases that cross state borders.

The Labor & Commerce Committee views this bill as a positive enhancement to Alaska's guardianship and conservator statutes and invites your support.

For more information, please contact Dana Owen, committee staff, at 465-2906.

Changes from SB 101 to CSSB 101 (L&C):

- Removed bonding and insurance requirements as a requirement to obtain a license as no such requirement is imposed on other professions licensed by Occupational Licensing. Moreover, bonds may be required by the court on a case by case basis when ordering the protective appointment.
- Clarified what criminal convictions would preclude an applicant from receiving a license. In essence, a conviction of a crime of dishonesty received within the last 10 years, or any other crime the department determines would affect the applicant's ability to provide guardian or conservator services (i.e. – assault on the elderly, etc.).
- Directed that annual reports should be sent and retained by the Office of Public Advocacy instead of Div. of Occupational Licensing. OPA would then inform Occupational Licensing that it had received the licensee's report and also inform the division of any irregularities or cause for concern.

Changes from CSSB 101 (L&C) to CSSB 101 (STA):

- Sec. 9 was amended to conform to amendments in the L& CS. The requirement that a licensee maintain a bond or insurance was eliminated. However, the court may still order a bond in individual cases. Accordingly, sec. 9, which lists grounds for disciplinary action, was amended to read "fails to maintain" a court ordered bond or surety rather than "is not able to be bonded and insured".

Changes from CSSB 101 (STA) to CSSB 101 (3rd L&C): version AO

- Chapter 27, Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
 - Begins on p. 11, sec. 24. The principle aim of the act is to provide a common procedure among states to deal with jurisdictional, transfer and enforcement issues in guardianship cases that cross state borders. It has been approved by the National Conference of Commissioners for Uniform State Laws.
- P. 9, sec. 17. Gives the court authority to make a finding of incapacity without expert testimony if the respondent in a guardianship proceeding stipulates to incapacity.
- P. 9, sec. 18. Mandates written findings in cases where the court deviates from the priority list of potential guardians, explaining why the specific guardian was appointed and why higher priority individuals were not.
- P. 10, sec. 20. Mandates written findings in cases where the court deviates from the priority list of potential conservators, explaining why the specific conservator was appointed and why higher priority individuals were not.

- P. 10, sec. 21. Provides that records of cases involving public guardians are confidential, except where they are relevant to an investigation of a public guardian who has provided guardianship or conservatorship services.
- P. 11, sec. 23 Allows OPA to collect funds (deferred fees) from a ward's account following the termination of the appointment prior to releasing the funds.
- Various conforming amendments throughout.

SENATE FINANCE COMMITTEE
SB 101 - GUARDIANSHIP AND CONSERVATORS
SIGN-IN

NAME: Jennifer Strickler
Dept./Company: Commerco/CBPL Title: Chief
Email: jenny.strickler@alaska.gov Phone: 465-2144
Do you wish to testify? Yes No Respond To Questions

NAME: Deborah Behr
Dept./Company: Dept. of LAW
UNIFORM LAW COMMISSIONER Title: CHIEF
ASSISTANT
ATTORNEY GENERAL
Email: Deborah.Behr@alaska.gov Phone: 465-2122
Do you wish to testify? Yes No Respond To Questions

NAME: Josh Fink
Dept./Company: Office of Public Advocacy Title: Director
Email: joshua.fink@alaska.gov Phone: 269-3500
Do you wish to testify? Yes No Respond To Questions

NAME: _____
Dept./Company: _____ Title: _____
Email: _____ Phone: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____
Dept./Company: _____ Title: _____
Email: _____ Phone: _____
Do you wish to testify? Yes No Respond To Questions



RECEIVED

FEB - 5 2008

Darwin

February 5, 2008

The Honorable Lynian Hoffman, Co-Chair
Senate Finance Committee
Alaska State Capitol, Room 518
Juneau, AK 99801-1182

The Honorable Bert Stedman, Co-Chair
Senate Finance Committee
Alaska State Capitol, Room 516
Juneau, AK 99801-1182

RE: SB 101 (Senate Labor and Commerce Committee)--Support

Dear Co-Chairs Hoffman and Stedman:

On behalf of the members of AARP in Alaska, we encourage you and your colleagues on the Senate Finance Committee to support your Committee bill SB 101.

SB 101 is, in AARP's view, a consumer safeguard bill that builds on previous work to make certain our guardianship and conservatorship regulations work as they are intended.

Incapacitated elders are at risk of abuse, neglect and exploitation by guardians and conservators. SB 101 will help guard against fiduciary abuse.

As the need for guardians has grown, courts have found it more difficult to find family members or friends able and willing to accept the responsibilities of guardianship. Professional guardians and conservators are used more and more often. SB 101 will help improve the quality of guardians and prevent abuses. As Alaska insists on training and certification and reporting, we will ensure that all guardians are better informed about their responsibilities and the requirements for caring for incapacitated people.

AARP considers SB 101 as one more significant step creating safeguards in what will only become a growing industry. Government oversight is essential for quality control.

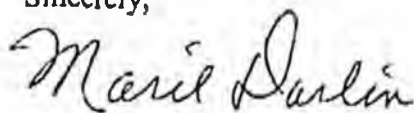
The Attorney General is recommending that Alaska adopt a uniform law on guardianship which is being promoted by the National Association of Attorneys General. This is now part of SB 101 and we feel it is a very comprehensive improvement to the original bill.

We urge an "AYE" vote on SB 101.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,



Maric Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Vice-Chair Charlie Huggins
Senator Kim Elton
Senator Donald Olson
Senator Joe Thomas
Senator Fred Dyson
Senator Johnny Ellis

02/06/08

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 29, 2008

SUBJECT: Sectional Summary of CSSB 101(2d L&C)
(Work Order No. 25-LS0559\V)

TO: Senator Johnny Ellis
Chair of the Senate Labor & Commerce Committee
Attn: Dana Owen

FROM: Alpheus Bullard
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Requires a person providing services as a private professional guardian or conservator to have a license issued under AS 08.26.

Section 2. Allows for the issuance of "full" and "partial" guardian licenses, eliminates the requirement that an applicant for licensure provide proof that the individual is able to be bonded and insured, changes how the criminal history of an applicant will be interpreted by the department, and requires an applicant for either a full or partial private professional guardian license to satisfy the requirements for obtaining a private professional conservator license under AS 08.26.030.

Section 3. Adds a new subsection to AS 08.26.020, governing the issuance of a private professional partial guardian license.

Section 4. Eliminates the requirement an applicant for licensure provide proof that the individual is able to be bonded and insured, and changes how the criminal history of an applicant for licensure as a private professional conservator will be interpreted by the department.

Section 5. Changes what is required to be submitted with an application for licensure as a private professional conservator or guardian.

Section 6. Changes what an annual report from a licensee under AS 08.26 must include, and to whom the annual report should be submitted.

Section 7. Requires the office of public advocacy to notify the Department of Commerce, Community, and Economic Development of a licensee's compliance in filing an annual report.

Section 8. Conforms the language of AS 08.26.100 to changes made in sec. 1 of the Act.

Section 9. Amends the grounds for disciplinary action under AS 08.26, and the disciplinary actions the department may take against a licensee.

Section 10. Changes the language of AS 08.26.180 to provide individuals employed by certain financial institutions a licensing exemption to AS 08.26.

Section 11. Redefines some of the terms used in AS 08.26.

Section 12. Adds a subsection to AS 13.26.010, which provides that the section is subject to the requirements of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Sections 13 - 16. Amend the language of AS 13.26.095(d), AS 13.26.109(b), 13.26.109(c), and 13.26.109(d) to conform with the repeal of AS 13.26.155 made by sec. 26 of the Act.

Section 17. Changes the procedures by which a court may make a finding of incapacity.

Section 18. Requires a court to make appropriate written findings if the court appoints a person who has lower priority as a guardian of an incapacitated person under AS 13.26.145(d).

Section 19. Amends AS 13.26.170 to conform with changes made by sec. 24 of the Act, and change the jurisdiction exercised by a court in which a petition has been filed seeking the appointment of a conservator or other protective order.

Section 20. Requires a court to make appropriate written findings if the court appoints a person who has lower priority as a conservator of an incapacitated person under AS 13.26.210(d).

Section 21. Makes certain records required to be kept by a public guardian confidential unless the records are relevant to certain cases, investigations, or proceedings.

Section 22. Adds new eligibility requirements for individuals to whom a public guardian may delegate powers and duties.

Section 23. Allows the office of public advocacy, following the termination of a public guardian's appointment, to collect the reasonable cost of the services rendered to the ward or protected person before releasing that ward or protected person's funds.

Section 24. Adds a new chapter, AS 13.27, "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act."

▪ Article 1. Application; Cooperation between Courts.

13.27.010. Provides for how an Alaska court should treat a court of a foreign country in a matter concerning a guardianship or protective proceeding in Alaska.

13.27.020. Establishes how an Alaska court may communicate with courts in other states concerning a guardianship or protective proceeding in Alaska.

13.27.030. Establishes how an Alaska court may cooperate with courts in other states concerning a guardianship or protective proceeding in Alaska.

13.27.040. Provides for the taking of testimony in another state in a guardianship or protective proceeding in an Alaska court.

▪ Article 2. Jurisdiction.

13.27.100. Specifies that AS 13.27.100 - 13.27.180 provide the exclusive basis for subject matter jurisdiction for an Alaska court to appoint a guardian or issue a protective order for an adult.

13.27.110. Establishes the jurisdiction basis upon which an Alaska court may appoint a guardian or issue a protective order.

13.27.120. Describes when a court that lacks jurisdiction under AS 13.27.110 may exercise special jurisdiction.

13.27.130. Establishes that a court that has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction.

13.27.140. Provides criteria for a court having jurisdiction under AS 13.27.110 to decide whether another court is a more appropriate forum, and the procedures a court must follow if it declines to exercise jurisdiction.

13.27.150. Sets out the procedures that a court may employ if the court determines that it acquired jurisdiction to appoint a guardian or issue a protective order because of unjustified conduct.

13.27.160. Requires notice of a petition for the appointment of a guardian or the issuance of a protective order be given to certain persons in another state if this state was not the respondent's home state when the petition was filed.

13.27.170. Provides rules for an Alaska court when a court of another state is also engaged in a related proceeding concerning the appointment of a guardian or issuance of a protective order.

13.27.180. Provides definitions for AS 13.27.100 - 13.27.180.

▪ Article 3. Transfer of Guardianship or Conservatorship.

13.27.200. Establishes how a guardianship or conservatorship may be transferred to another state.

13.27.210. Establishes how a guardianship or conservatorship may be transferred from another state.

▪ Article 4. Registration and Recognition of Orders from Other States.

13.27.300. Provides how a guardian appointed in another state may register a guardianship order in Alaska.

13.27.310. Provides how a conservator appointed in another state may register a protective order in Alaska.

13.27.320. Provides that a guardianship or protective order of another state that is registered in Alaska allows that guardian or conservator to exercise all powers authorized in the order except as may be prohibited or conditioned by Alaska law.

▪ Article 5. Miscellaneous Provisions.

13.27.400. Provides direction as to how AS 13.27 should be applied and construed to promote uniformity.

13.27.410. Describes the relationship between AS 13.27 and the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001, et seq.).

▪ Article 6. General Provisions.

13.27.490. Provides definitions for AS 13.27.

13.27.495. Establishes a short title for the chapter.

Section 25. Changes the language of AS 47.10.115(c) to conform with the repeal of AS 13.26.155 made by sec. 26 of the Act.

Section 26. Repeals AS 08.26.040 and AS 13.26.155.

Section 27. Provides for the applicability of sec. 24 of the Act.

Section 28. Specifies how current licenses issued under AS 08.26.040, repealed by sec. 26, will be affected by the Act.

02/30/08



**National
Guardianship
Foundation**

P.O. Box 5704 - Harrisburg, PA 17110 - (717) 238-4689 phone - (717) 238-9985 fax
www.guardianship.org

May 7, 2007

National Conference of Commissioners on
Uniform State Laws (NCCUSL)
c/o David G. Nixon, Chairman
211 E. Ontario Street
Suite 1300
Chicago, IL 60611

Dear Mr. Nixon:

The National Guardianship Foundation (NGF) Board of Trustees met in late April and voted unanimously to endorse the attached resolution related to the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Should you have any questions, please don't hesitate to contact me directly. Thank you for your hard work on this important issue.

Sincerely,

Denise R. Calabrese
Executive Director

cc: NGF President Gary Beagle
NGA Executive Director Terry Hammond
David English

02/06/08

NATIONAL GUARDIANSHIP FOUNDATION

RESOLUTION IN SUPPORT OF:

THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS

JURISDICTION ACT

WHEREAS population mobility has left courts facing many dilemmas and challenges concerning which of several states have jurisdiction over guardianship and protective proceedings;

WHEREAS the National Conference of Commissioners on Uniform State Laws endeavors to carry forward the groundbreaking work of the National College of Probate Judges in its National Probate Court Standards on interstate jurisdiction transfers by drafting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act;

WHEREAS this Uniform Act, if enacted, will fulfill a key recommendation of the 2001 Wingspan National Guardianship Conference by providing procedures to resolve interstate jurisdiction controversies and to facilitate transfers of guardianship cases among jurisdictions;

WHEREAS the Act provides for the recognition and enforcement of a guardianship or protective proceedings orders, and facilitates the communication and cooperation between Courts of different jurisdictions concerning guardianship or protective proceedings;

WHEREAS the Act provides for a method of determining the appropriate initial forum for such proceedings, for a method of obtaining an order to transfer jurisdiction over such proceedings to another state, and for the recognition and registration of guardianship or protective orders across state lines,

WHEREAS the application and construction of this Uniform Act will promote uniformity of the law with respect to jurisdictional issues of guardianship and protective proceedings for adults among states that enact it;

WHEREAS the National Guardianship Foundation is involved in the process of drafting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act with the help of the AARP, American Bar Association, the National Guardianship Association, the National College of Probate Judges, the American College of Trust and Estate Counsel, the National Academy of Elder Law Attorneys, and other interested groups; and

WHEREAS the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, if enacted, can help effectively address the dilemmas and challenges concerning jurisdiction of guardianship and protective proceedings for adults;

THEREFORE BE IT RESOLVED that the National Guardianship Foundation supports the efforts of the National Conference of Commissioners on Uniform State Laws to promulgate the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

SENATE COMMITTEE REPORT

DATE: 3/14/07

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 3/29/07

State Affairs Committee considered SENATE BILL NO. 101

SB 101 GUARDIANSHIP AND CONSERVATORS

"An Act relating to private professional conservators and private and public guardians."

and recommends:

- be replaced with SCS or CS SB 101 (STA)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

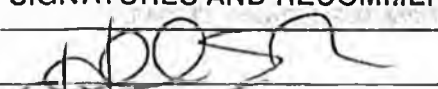

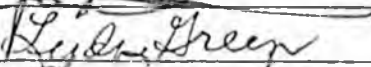
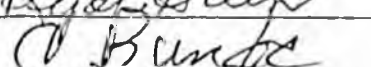
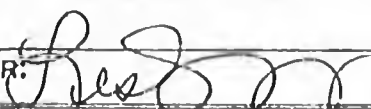
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
COMMERCE	03/07			✓	1
ADMIN	03/06			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
	Stevens			✓	
	Green	✓			
	Bunde	✓			
CHAIR: 	McQuinn	✓			

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/28/07

FURTHER: State Affairs
 Finance

Date of 5-Day Notice: 3/1/08
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 3/13/07

Labor and Commerce Committee considered SENATE BILL NO. 101

SB 101 GUARDIANSHIP AND CONSERVATORS

"An Act relating to private professional conservators and private and public guardians."

and recommends:

- be replaced with SCS or CS SB 101 (L+C)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
COMMERCE	3/7/07			✓	1
ADMINISTRATION	3/6/07			✓	2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	Burt DAVIS	✓			
	PAUL STEVENS	X		X	
CHAIR:	ELLIS	X			

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 101(L&C)
(S) Publish Date: 3/14/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to private professional conservators and private and public guardians RDU Legal and Advocacy Services
Component Office of Public Advocacy
Sponsor Labor and Commerce
Requester Labor and Commerce Component No. 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will amend the current licensure requirements for private professional conservators and guardians so as to eliminate duplicative licenses and fees. This legislation would also impose requirements that public guardians and conservators undergo a criminal background check to determine whether the applicant has been convicted of any crimes of dishonesty within ten years of his or her application, and also require that Public Guardians receive certification from a national guardian/conservatorship organization within one year of employment at OPA. These two requirements are already imposed on private guardians. The costs of the criminal background checks and certification fees will be de minimus, and therefore, OPA submits a zero fiscal note.

Prepared by: Joshua Fink, Director
Division: Office of Public Advocacy
Approved by: Rachael Petro, Deputy Commissioner
Agency: Administration

Phone 907-269-3501
Date/Time 3/6/07, 11:00 a.m.
Date 3/6/07, 11:45am

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 101(L&C)
(S) Publish Date: 3/14/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title: Guardianship and Conservators RDU: Occupational Licensing (117)
Component: Occupational Licensing
Sponsor: Senate Labor & Commerce
Requester: Senate Labor & Commerce Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation amends various provisions of AS 08.26 Professional Conservators and Guardians and is not expected to result in the need for additional funds to implement the provisions.

Prepared by: Chris Wyatt, Administrative Manager
Division: Corporations, Business, and Professional Licensing
Approved by: Emil Notti, Commissioner
Agency: Commerce, Community, and Economic Development

Phone: (907) 465-2572
Date/Time: 3/7/07 3:29 PM
Date: 3/7/2007