

**HB**

**150**

<TARGET><BILL>HB 150</BILL><SUBJECT>HB  
150</SUBJECT><COMM>HF IN27</COMM></TARGET>

## Helen Phillips

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**From:** Laughlin, Wilda J (HSS) [wilda.laughlin@alaska.gov]  
**Sent:** Friday, March 25, 2011 5:19 PM  
**To:** House Finance Legislation  
**Cc:** Brakes, Heather K (GOV); Helen Phillips; Gibbens, Joanne C (HSS)  
**Subject:** HB 150 Additional backup material  
**Attachments:** HB 150 Sectional Analysis 3-25-11.pdf; HB 150 Sponsor Statement.pdf; HB 150 Summary of changes.pdf; HB 150 AARP letter of support.pdf; HB 150 Proposed amendment.pdf; 03-14-11 CTS 15051 John Lucking.pdf

Name of staff member assigned to the Legislation: Wilda Laughlin, 465-1613

Testifiers/Teleconference requirements:

- Bill introduction, Duane Mayes, Director of the DHSS Division of Senior & Disabilities Services, in Juneau
- Review of Sectional Analysis, Kelly Henriksen, Dept. of Law, in Juneau

Available for questions:

- Scott Sterling (DOA), supervising attorney for the Office of Elder Fraud and Assistance on line
- Elizabeth Russo, supervising attorney for the public guardian section, on line
- Joanne Gibbens, Deputy Director of the Division of Senior & Disabilities Services, in Juneau
- Brenda Mahlatini, social services program officer for Adult Protective Services, on line

No special equipment requests.

Attached to this email:

- HB 150 Sectional Analysis
- HB 150 Explanation of changes
- HB 150 Sponsor Statement
- HB 150 Request for amendment
- AARP letter of support
- AOPA letter of support

Please let me know if you need anything else.

w.

**Wilda J. Laughlin**  
Legislative Liaison, Dept. of Health and Social Services  
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# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number \_\_\_\_\_  
 Bill Version HB150(JUD)  
 ( ) Publish Date 3/21/2011

Identifier (file name) HB150-DOC-OC-03-30-11 Dept. Affected DOC  
 Title "An Act relating to the protection of property of persons under Appropriation Admin & Support  
Allocation Commissioner's Office  
 Sponsor Rules Committee  
 Requester House Finance Committee OMB Component Number 694

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES</b>								

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

This is the first version of the bill.

Prepared by Leslie Houston, Director  
 Division Dept. of Corrections - Administrative Services  
 Approved by Joseph D. Schmidt, Commissioner  
Dept. of Corrections

Phone 465-3339  
 Date/Time 03/30/11 11:00 a.m.  
 Date 3/30/2011

FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. HB150(JUD)

**Analysis**

This legislation creates a crime of violating protective orders of victims 65 years or older. Violation of this law does not require a mandatory arrest and therefore would have little to no impact on the Department of Corrections.

There is no anticipated fiscal impact to the Department of Corrections.

# FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: HB 150  
 (H) Publish Date: 2/9/11

Identifier (file name): 1722-DHSS-SDSA-02-08-2011  
 Title: Adult Protective Services  
 Sponsor: Rules by Request of the Governor  
 Requester: Governor  
 Dept. Affected: Health and Social Services  
 Appropriation: Senior and Disabilities Services  
 Allocation: Senior and Disabilities Services Admin  
 OMB Component Number: 2663

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost: 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by: Duane Mayes, Director  
 Division: Senior and Disabilities Services  
 Approved by: Alison Elgee, Assistant Commissioner  
DHSS Finance & Management Services

Phone 269-2083  
 Date/Time 2/8/11 1:00 PM  
 Date 2/8/2011

FISCAL NOTE #1

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. HB 150

**Analysis:**

This legislation provides additional protections to seniors and other vulnerable adults. The proposed changes in the vulnerable adult statutes add the concept of undue influence as a potential harm. This bill provides additional legal and investigatory tools to the department in order to respond to reports of harm and establish protective services to individuals who need them. There is no fiscal impact anticipated.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number 2  
 Bill Version HB 150  
 (H) Publish Date 2/9/11

Identifier (file name) LL1722-DOA-OPA-2-8-11 Dept. Affected DOA  
 Title An Act relating to the protection of property of persons under Appropriation Legal and Advocacy Services  
disability . . . . Allocation Office of Public Advocacy  
 Sponsor Rules by Request  
 Requester Governor OMB Component Number 43

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Rachel Levitt, Acting Director  
 Division Office of Public Advocacy  
 Approved by John Cramer, Deputy Commissioner  
Department of Administration

Phone 907-269-3504  
 Date/Time 2/8/2011, 10:30 am.  
 Date 2/8/2011

FISCAL NOTE #2

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. HB 150

**Analysis**

This bill will enhance the legal protections against fraud and financial abuse available to elders and vulnerable adults. The Office of Public Advocacy wishes to highlight two portions of the bill that will provide new emergency procedures to protect vulnerable adults who may be served by the agency's Elder Fraud or Probate practices.

In section 7, this bill creates two emergency judicial proceedings to stop and prevent financial exploitation of vulnerable adults. The first is a process for the appointment of temporary conservators. This will allow the court to impose emergency conservatorships to assist vulnerable individuals with their financial affairs to prevent imminent waste or fraudulent dissipation of their estates.

The second creates a process for the imposition of financial protective orders. Individual victims and other concerned parties will be able to apply for the protections of 20 day ex parte protective orders to stop or prevent financial exploitation. The initial ex parte order may be extended for up to six months after notice and a hearing at which the respondent may be heard.

The bill also provides for expanded reporting of financial abuse and enhanced penalties in criminal cases when there is an elderly victim. Additionally, the bill criminalizes violations of the financial protective orders.

The agency does not believe that this will result in significant cost increases to the agency.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number \_\_\_\_\_  
 Bill Version CSHB150(JUD) \D  
 () Publish Date \_\_\_\_\_

Identifier (file name): HB150CS(JUD)-LAW-CIV-03-25-11 Dept. Affected Law  
 Title An Act relating to property of persons; crime of violating protective Appropriation Civil  
order; aggravating factors at sentencing; protection; amending... Allocation Human Services  
 Sponsor Rules  
 Requester (H) FINANCE OMB Component Number 2962

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

**Why this fiscal note differs from previous version (if initial versio**

Updated language in fiscal analysis.

*NEW  
Replaces  
Published  
#3*

Prepared by Eileen Donahue, Division Operations Manager  
 Division Administrative Services  
 Approved by John J. Burns, Attorney General  
Department of Law

Phone 465-5427  
 Date/Time 3/25/11 4:15 PM  
 Date 3/25/2011

FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. CSHB150(JUD) \D

**Analysis**

This bill adopts 20-day and six-month protective orders for vulnerable adults who are victims of a financial fraud, and a temporary conservatorship process when the need exists during the pendency of a regular petition for conservatorship. The bill also expands the list of mandatory reporters of harm to a vulnerable adult, adds the harm of undue influence, and expands the investigative powers of the Office of Adult Protective Services, including the authority to issue subpoenas, conduct interviews and examine financial and health care records. The bill also amends the crime of violating a protective order by adding the crime of violating a protective order issued to protect a vulnerable adult under AS 13.26.180 or 13.26.209. Violating a protective order is a class A misdemeanor.

There is no anticipated fiscal impact to Department of Law.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number 4  
 Bill Version HB 150  
 (H) Publish Date 2/9/11

Identifier (file name) LL1722-DPS-DSS-02-08-11 Dept. Affected Public Safety  
 Title "An Act relating to the protection of property...Vulnerable Adults" Appropriation Statewide Support  
 Allocation Records & Identification  
 Sponsor Rules Committee  
 Requester Governor OMB Component Number 1190

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel	16.0							
Services	32.0							
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>48.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	48.0							
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>	<b>48.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Not applicable, initial version.

Prepared by David Schade  
 Division Statewide Services  
 Approved by Joseph Masters  
Commissioner

Phone 907-269-0202  
 Date/Time 2/8/11 12:00 AM  
 Date 2/8/2011

FISCAL NOTE #4

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. HB 150

**Analysis**

This bill treats AS 13 protective orders in the same manner as stalking, sexual assault, and domestic violence protective orders under AS 18 and will require the development of new protective order forms with substantial collaboration between DPS, the Alaska Court System, DHSS, the Office of Public Advocacy, and the Department of Revenue. The findings and orders for these new AS 13 protective orders will differ from the AS 18 orders in the existing protection order registry, which address violence and domestic situations.

Once the forms are developed, APSIN programming changes will be required to accommodate new fields and types of information required. A separate version of the APSIN central registry must be developed to accommodate these new orders. Note: these new orders do not meet the necessary criteria for entry into the national registry of protection, stalking and sexual assault orders (NCIC) because they do not necessarily involve physical violence.

Programming and analysis for APSIN changes will require 280 hours of contractual work @ \$100/hr to evaluate and make recommendations regarding statewide implementation of new processes and procedures for entering and maintaining these new orders into existing APSIN . Additionally, 40 hours of contractual work (at \$100/hr) will be required to integrate these new orders in new APSIN.

Statewide training will then be required on the new forms and APSIN procedures. Statewide training costs are included.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number 5  
 Bill Version HB 150  
 (H) Publish Date 2/9/11

Identifier (file name) LL1722-DPS-DET-02-08-11 Dept. Affected Public Safety  
 Title "An Act relating to the protection of property of persons under disability and minors;...vulnerable adults..." Appropriation Alaska State Troopers  
 Allocation AST Detachments  
 Sponsor Rules Committee  
 Requester Governor OMB Component Number 2325

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version.

Prepared by Lt Rodney Dial  
 Division Alaska State Troopers  
 Approved by Joseph Masters  
Commissioner

Phone 907-247-4480  
 Date/Time 2/8/11 1:30PM  
 Date 2/8/2011

FISCAL NOTE #5

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. HB 150

**Analysis**

This bill makes several changes to AS 13.26 and AS 47.24 concerning vulnerable adults. It adds fraud as a reason that might necessitate a conservatorship, and as a basis for seeking an ex parte financial protective order. This bill also adds the concept of undue influence to the list of reportable harms and adds certain individuals as mandatory reporters of harm to vulnerable adults. Finally, this bill expands the investigatory authority of the Adult Protective Services Office.

Passage of this legislation will have no fiscal impact on the division.

# FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

Fiscal Note Number 6  
Bill Version HB 150  
(H) Publish Date 2/9/11

Identifier (file name) JU2010201722-DOC-OC-02-08-11 Dept. Affected DOC  
Title "An Act relating to the protection of property of persons under Appropriation Admin & Support  
Sponsor Rules Committee Allocation Commissioner's Office  
Requester Governor OMB Component Number 684

**Expenditures/Revenues**

(Thousands of Dollars)

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

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES</b>							
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (please identify)							
<b>TOTAL</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

Estimate of any current year (FY2011) cost

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**POSITIONS**

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

This is the first version of the bill.

Prepared by Leslie Houston, Director  
Division Dept. of Corrections - Administrative Services  
Approved by Joseph D. Schmidt, Commissioner  
Dept. of Corrections

Phone 465-3339  
Date/Time 2/08/11 1:00 p.m.  
Date 2/8/2011

FISCAL NOTE #6

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. HB 150

**Analysis**

This legislation creates a new crime of violating protective orders and adds aggravating factors at sentencing for a crime against a victim 65 years or older. Violation of this law could result in incarceration. However, the Department of Corrections is unable to determine the number of future offenders and therefore is unable to determine the fiscal impact of the passage of this legislation.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number 7  
 Bill Version CSHB 150(JUD)  
 (H) Publish Date 3/21/11

Identifier (file name) 11 HB150-ACS-TC-2-22-11  
 Title Protection of Vulnerable Adults/Minors  
 Sponsor House Rules Committee  
 Requester Governor  
 Dept. Affected Alaska Court System  
 Appropriation Trial Courts  
 Allocation Trial Courts  
 OMB Component Number 768

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Doug Wooliver, Administrative Attorney  
 Division Alaska Court System  
 Approved by Christine Johnson, Administrative Director, by Doug Wooliver  
Alaska Court System

Phone 907-463-4750  
 Date/Time 2-22-2011 @ 2:00 pm  
 Date 2/22/2011

FISCAL NOTE #7

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. CSHB 150(JUD)

**Analysis**

House Bill 150 makes several changes to the statutes that govern guardianships. Two of those changes will likely impact the court system, though the extent of the impact is too speculative to support a fiscal note and, in any event, may not be felt immediately.

Sections 6 and 7 allow for temporary conservators to be appointed within 72 hours of the filing of the petition and section 7 allows for ex parte protective orders when a person believes that an order is necessary to protect a vulnerable person from fraud.

The court's current experience with temporary guardianships (AS 13.26.140), and ex parte protective orders issued in other contexts suggests that the passage of this bill will result in more cases being filed that must be heard on short notice. If that increase becomes significant, and it likely will in the future, the court system may need to return to the legislature for additional funding. At this point, however, the number of conservatorship petitions filed each year is not great enough to warrant a fiscal note.



AARP Alaska T 1-866-227-7447  
3601 C Street F 907-341-2270  
Suite 1420 TTY 1-877-434-7598  
Anchorage, AK 99503 www.aarp.org/ak

February 22, 2011

The Honorable Carl Gatto, Chair  
House Judiciary Committee  
Alaska State Capitol, Room 118  
Juneau, AK 99801-1182

RE: HB 150 (Governor Parnell)--Support

Dear Chair Gatto:

On behalf of the members of AARP in Alaska, we encourage you and your colleagues on the House Judiciary Committee to support HB 150, sponsored by the House Rules Committee at the request of Governor Parnell.

The aging of Alaska's population, particularly the growth in the numbers of our citizens over age 75, presents unique challenges for our criminal justice system.

The National Center on Elder Abuse indicates that 23.4% of substantiated reports of mistreatment of older adults were financial exploitation, another 17% was physical abuse, and 32.5% was caregiver neglect. Emotional/verbal/psychological abuse accounted for 23.6% of the substantiated reports and sexual abuse/other accounted for 3.6%.

Elder abuse occurs without reference to race, religion, income, education, place of residence, or living arrangement. It is real and, unfortunately, all too common.

Detecting and preventing elder abuse involves increasing awareness among the general public and professionals.

Although HB 150 addresses the problems of abuse and exploitation on minors, we will focus on the benefits that we perceive will help older Alaskans.

The bill identifies "mandated reporters." This is very significant and will undoubtedly stop people from "looking the other way" and will also protect them from reporting incidents that might involve supervisory staff over them.

HB 150 also creates vehicles for new emergency procedures to allow courts to immediately protect individuals from financial abuse with temporary conservators and financial protective orders.

Unfortunately there are incidents of trusted advisors like guardians, agents under durable power of attorney, and other fiduciaries who have also committed elder abuse. Adding the concept of "undue influence" should help address this issue.

HB 150 also requires cooperation with Adult Protective Services, DHSS training of investigators, and mandates release of relevant financial and health records necessary for an investigation.

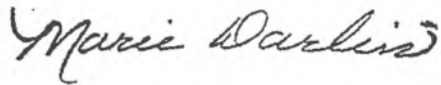
Will HB 150 prevent all elder abuse? No. But it will go a long way in preventing it and punishing those who commit it. It's a strong bill that will help vulnerable older Alaskans, younger Alaskans with disabilities, and minors.

AARP requests an "AYE" vote on HB 150.

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,

A handwritten signature in cursive script that reads "Marie Darlin".

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

CC: Vice-Chair Steve Thompson  
Representative Wes Keller  
Representative Bob Lynn  
Representative Lance Pruitt  
Representative Max Gruenberg  
Representative Lindsey Holmes  
Governor Sean Parnell

# STATE OF ALASKA

**DEPT. OF HEALTH AND SOCIAL SERVICES**  
**OFFICE OF THE COMMISSIONER**

**SEAN PARNELL, GOVERNOR**

**P.O. BOX 110601**  
**JUNEAU, ALASKA 99811-0601**  
**PHONE: (907) 465-3030**  
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## **Sponsor Statement**

**CS HB 150 (JUD)** "An Act relating to the protection of property of persons under disability and minors; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; relating to the protection of vulnerable adults; amending Rule 12(h), Alaska Rules of Criminal Procedure; amending Rule 45(a), Alaska Rules of Criminal Procedure; amending Rule 65, Alaska Rules of Civil Procedure; amending Rule 17, Alaska Rules of Probate Procedure; amending Rule 9, Alaska Rules of Administration; and providing for an effective date."

HB 150 strengthens the laws against financial exploitation and enhances the ability to obtain emergency protection orders for seniors. The bill also improves the ability of those investigating reports of harm to obtain vital information in a timely manner, and will lead to better services and safety for vulnerable adults who are abused, neglected, or exploited and unable to protect their own interests.

Financial exploitation of the elderly and other vulnerable adults is a growing problem. Victims of financial exploitation may not need a guardian, but may need assistance stopping immediate misuse or theft of their money. These victims find it difficult to access the courts and obtain prompt and inexpensive relief. With a temporary conservator, the vulnerable victim retains autonomy while receiving assistance. The ex parte relief from fraud procedure is similar to the existing domestic violence protection law, providing a means for vulnerable adults to independently obtain straightforward, expedited relief from immediate financial exploitation.

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Governor Sean Parnell  
STATE OF ALASKA

February 8, 2011

The Honorable Mike Chenault  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Chenault,

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the protection of property of persons under disability; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; and relating to the protection of vulnerable adults.

Financial exploitation of the elderly and other vulnerable adults is a growing problem. Victims of financial exploitation may not need a guardian, but may need assistance stopping immediate misuse or theft of their money. These victims find it difficult to access the courts and obtain prompt and inexpensive relief. With a temporary conservator, the vulnerable victim retains autonomy while receiving assistance. The ex parte relief from fraud procedure is similar to the existing domestic violence protection law, providing a means for vulnerable adults to independently obtain straightforward, expedited relief from immediate financial exploitation.

I am committed to protecting our seniors and other vulnerable adults. This legislation strengthens the laws against financial exploitation and enhances the ability to obtain emergency protection orders for seniors. It improves the ability of those investigating reports of harm to obtain vital information in a timely manner, and will lead to better services and safety for vulnerable adults who are abused, neglected, or exploited and unable to protect their own interests.

I urge your prompt and favorable action on this measure.

Sincerely,  
Handwritten signature of Sean Parnell in cursive.

Sean Parnell  
Governor

Enclosure

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES  
OFFICE OF THE COMMISSIONER

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## Sectional Analysis

CSHB 150 (JUD), "An Act relating to the protection of property of persons under disability and minor; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; relating to the protection of vulnerable adults; amending Rule 12(h), Alaska Rules of Criminal Procedure; amending Rule 45(a), Alaska Rules of Criminal Procedure; amending Rule 65, Alaska Rules of Civil Procedure; amending Rule 17, Alaska Rules of Probate Procedure; amending Rule 9, Alaska Rules of Administration; and providing for an effective date."

Section 1 inserts "vulnerable adult" in place of "elder or disabled adult" in AS 08.29.200(b) concerning reporting of harm by licensed professional counselors. This change will make the statute consistent with similar definitional changes made by the bill. The term "vulnerable adult" more accurately defines and describes the citizens subject to protection.

Section 2 inserts "vulnerable adult" in place of "elder or disabled adult" in AS 08.63.200(b) concerning reporting of harm by marriage and family therapists. This change will make the statute consistent with similar definitional changes made by the bill. The term "vulnerable adult" more accurately defines and describes the citizens subject to protection.

Section 3 makes the knowing violation or attempted violation of a financial protective order (introduced in section 9 of this legislation to protect vulnerable adults and elders) a crime.

Section 4 amends AS 11.56.740(c), which defines "protective orders," by including financial protective orders issued under AS 13.26.180 or AS 13.26.209 to that definition. This change brings financial protective orders within the class of protective orders subject to sanction under the criminal code.

Section 5

amends AS 12.55.155(c) by adding a new paragraph (35) which makes the fact that a defendant knowingly directed criminal conduct at a person 65 years of age or older an aggravating factor at sentencing.

Section 6

amends AS 13.26.165(1) by substantively adding several new paragraphs and changes or additions in definitions to enhance protection of vulnerable persons in conservatorship proceedings as follows:

- creates new paragraph (A) to authorize the court to issue orders protecting a minor with money or property that needs protection or who otherwise needs protection and substitutes the word “that” for the word “which” in the authorizing language;
- creates a new paragraph (B) specifying that the authority of the court to issue protective orders extends to minors with business affairs that may be in jeopardy and substitutes the word “that” for the word “which” in the authorizing language;
- creates a new paragraph (C) ensuring that protection extends to any need to protect a minor’s funds or obtain funds for a minor and deletes the unnecessary use of the word “that” twice in the authorizing language;
- amends AS 13.26.165(2)(A) by adding the word “fraud” to the illustrative list of reasons why a person may be found to be unable to effectively manage their own affairs and therefore may be in need of a conservator;

Section 7

amends AS 13.16.180(a) by adding “a person’s attorney or other legal representative.” to the list of persons who may petition for a conservatorship and further adds “or caregiver, the Department of Health and Social Services” to that list. This change is necessary to broaden the list of specific persons authorized to petition for a conservatorship in aid of a vulnerable adult and specifically to ensure that the Department of Health and Social Services is authorized to do so when necessary.

Section 8

amends AS 13.26.180 by adding a new sub-section (c) to specifically authorize petitioners to request orders for temporary conservatorships upon showing that the person’s money or property will be wasted or

dissipated during the pendency of normal conservatorship proceedings. This change is necessary to ensure that the courts have express statutory authority to entertain and grant temporary conservatorships in urgent cases involving financial exploitation.

Section 9

adds two new sections:

- New section AS 13.26.207 authorizes temporary conservatorships to provide immediate protection from imminent waste or dissipation of the person's money or property while the normal conservatorship proceedings are underway. The court is required to impose only the least restrictive orders necessary to protect the money or property from waste or dissipation. The temporary conservatorship expires as a matter of law when the full conservatorship is ordered or when the petition for conservatorship is dismissed.
- New section AS 13.26.209 authorizes a person to apply for an ex parte protection order against financial exploitation without the need for a lawyer, very similar to the authority and procedure presently authorized for domestic violence, sexual assault and stalking protection orders. The new section authorizes a third-party to file a petition on behalf of another where, for example, the vulnerable adult is incapacitated and unable to file for her or himself. The new section requires that notice of the proceedings be provided to the vulnerable adult and for service of any order issued to third-parties, such as financial institutions, at the nearest place of business, or by registering the order with the Department of Public Safety. The new section also requires the Alaska Court System to create appropriate forms for use by the public in filing for such orders and exempts such applications from court filing fees.

Section 10

adds and defines "fraud" to the list of terms defined in AS 13.26.324. The definition used is taken from that currently in statute at AS 44.21.415.

Section 11

excludes the crime of violating a protective order from the list of crimes subject to warrantless arrest in AS 18.65.530(a).

- Section 12 adds financial protective orders to registry of protective orders maintained by Public Safety in AS 18.65.540(a).
- Section 13 adds financial protective orders to AS 18.65.540(b), which requires peace officers to take reasonable steps to ensure that a protective order is entered into to the registry within 24 hours after receipt.
- Section 14 changes “theft and related offenses” to “offenses against property” in AS 44.21.415(g)(1)(B), which is part of the definition of “fraud” in the statutes governing the Office of Elder Fraud.
- Section 15 adds employee of out-of-home residential or health care facility and educator or admin staff member of educational institution to list of mandatory reporters in AS 47.24.010(a).
- Section 16 requires a reporter to include the contact info of the vulnerable adult in AS 47.24.010(b).
- Section 17 adds undue influence to the statute making a mandatory reporter who knowingly fails to report guilty of a class B misdemeanor (AS 47.24.010(c)).
- Section 18 amends AS 47.24.010(d) to permit anyone to make a report of harm, including a mandatory reporter in the reporter’s nonoccupational capacity.
- Section 19 amends AS 47.24.010(e) to require a public safety officer to report to APS within 24 hours of receiving a report of harm involving imminent risk of serious physical harm.
- Section 20 adds undue influence and abandonment to the list of harms in AS 47.24.010(f), which states that a mandatory reporter’s report of harm to the long-term care ombudsman or the department regarding an adult in an out-of-home care facility satisfies that reporter’s duty to report under AS 47.24.010(a).
- Section 21 adds two new subsections to AS 47.24.010: first, a mandatory reporter is not relieved of duty to report by reporting to supervisor. Second, if someone makes a reckless false report, that person is liable for actual damages suffered by the subject of the report.
- Section 22 adds undue influence to AS 47.24.013(a), which requires the department to transfer a report of harm to the long-term care ombudsman if it involves

a vulnerable adult aged 60 or older who has been allegedly harmed by a staff member or volunteer of an out-of-home care facility where the adult resides.

Section 23

adds undue influence to AS 47.24.013(b), which requires the department to investigate a report of harm involving a vulnerable adult who is younger than 60 years of age when the harm is alleged to have been committed by a staff member or volunteer of an out-of-home facility where the adult resides.

Section 24

changes the reference to “department” to “office of the department that handles adult protective services” in AS 47.24.013(c), which states what the long-term care ombudsman and the department must do when they receive a report of harm.

Section 25

adds undue influence to AS 47.24.013(d), which requires the long-term care ombudsman to give a report of harm and the result of the ombudsman’s investigation to the department’s central information and referral service when the report of harm involves an adult who resides in an out-of-home care facility.

Section 26

adds undue influence to the statute that requires the department to start an investigation once it receives a report of harm that is not transferred from the long-term care ombudsman’s office (AS 47.13.015(a)).

Section 27

adds undue influence to AS 47.24.015(c), which describes situations when the department must or must not terminate an investigation following a report of harm. Section 27 also changes the cross reference for the definition of fraud from AS 44.21.415 to AS 13.26.324.

Section 28

adds seven new subsections to AS 47.24.015, which governs APS’s investigatory power:

- (h) gives the department subpoena power to support its investigative authority, including the power to conduct interviews and examine any health care or financial records related to a vulnerable adult.
- (i) Prohibits individuals from interfering with APS’s investigation.
- (j) gives APS access to relevant records maintained by another division in DHSS.

- (k) allows APS to audio- or videotape an interview with a vulnerable adult if the adult has capacity and consents.
- (l) requires APS to train investigators of reports of harm.
- (m) defines “financial records.”

Section 29 updates AS 47.24.016(a) regarding surrogate decision makers by adding new fiduciaries who may serve in that capacity – specifically, conservator, trustee, and surrogate for health care decisions under AS 13.52. Section 29 also adds legal separation as a factor that would prohibit a spouse from being a surrogate decision maker for that spouse’s vulnerable adult spouse.

Section 30 adds undue influence to the statute that sets out the exceptions to when a person listed in AS 47.24.016(a) may serve as a surrogate decision maker (AS 47.24.016(b)).

Section 31 adds a surrogate decision maker serving under AS 13.52.030 to AS 47.24.016(d), which describes when the department must cease providing protective service based on the consent of the surrogate decision maker.

Section 32 adds conservator, trustee, and surrogate for health care decisions under AS 13.52.030 as individuals who may consent to the provision of protective services to a vulnerable adult and adds undue influence to the list of potential reports of harm.

Section 33 allows the department under AS 47.24.019(c) to petition the superior court for an injunction restraining any person from interfering with the provision of protective services to a vulnerable adult.

Section 34 amends AS 47.24.050 to add “undue influence” to the types of harm contained in confidential reports. Trustee and conservator are added to the list of individuals who may consent to release a confidential report and they are also added to the list of individuals who may not receive copies of a report if they are the alleged perpetrator. “Undue influence” is also added to the list of harms that are contained in reports of verified harms

that occur in an institution that cares for vulnerable adults or that were the result of actions or inactions of a public home care provider.

Section 35 clarifies that a person is not considered to be unduly influenced if they choose to consent to treatment by spiritual means only under AS 47.24.130.

Section 36 redefines “abuse” in AS 47.24.900(2) to include the knowing infliction of emotional distress or fear, including coercion and intimidation.

Section 37 redefines “caregiver” in AS 47.24.900(3) to include someone who provides some or all responsibility for the care of a vulnerable adult either voluntarily, by contract, by court order or as an employee of a business that provides care in an adult’s home.

Section 38 defines “informed decision” as a decision made free from undue influence within the definition of “decision making capacity” in AS 47.24.900(4).

Section 39 redefines “exploitation” in AS 47.24.900(7) to include acts by a person in a position of trust with a vulnerable adult who obtains profit or advantage through undue influence, deception, fraud, intimidation or breach of fiduciary duty.

Section 40 redefines neglect in AS 47.24.900(9) to include the knowing or reckless failure by a caregiver to provide access to services or to carry out a treatment plan necessary to the health of a recipient. “Essential care or services” include food, clothing, shelter, medical care and supervision.

Section 41 expands the definition of protective services in AS 47.24.900(11) to include services that obtain basic health care needs, financial assistance services, and protection from abuse, obtaining basic food, shelter and clothing, among others. Undue influence is added to the list of types of harm that may result in the provision of these services.

Section 42 amends the definition of “unable to consent” in AS 47.24.900(15) by adding the concept of “undue influence” and that the inability to consent includes a person’s inability to perceive a loss of income or assets, eviction, and physical or mental harm.

Section 43 amends the definition of a vulnerable adult in AS 47.24.900(16) by more clearly defining what constitutes a physical or mental impairment.

Section 44 amends AS 47.24.900 by adding new paragraphs which contain definitions for the following terms:

- Deception
- Fiduciary duty
- Financial institution
- Person who stands in a position of trust or confidence
- Undue influence

Section 45 amends the uncodified law, Rule 12(h), Alaska Rules of Criminal Procedure. The court, when considering a motion for continuance of a trial date, will be required to consider the victim’s circumstances and the effect of a continuance on the victim, particularly a victim of advanced age or extreme youth. The court’s findings will be placed on the record.

Section 46 amends the uncodified law, Rule 45(a), Alaska Rules of Criminal Procedure. The courts, when considering a trial date, will be required to consider the victim’s circumstances, particularly a victim of advanced age or extreme youth, in setting the trial date.

Section 47 amends the uncodified law by making three indirect court rule amendments enacted by Section 9 of the bill:

- amending Rule 17, Alaska Rules of Probate Procedure, to allow ex parte orders to be issued to protect persons subject to protective proceedings from financial exploitation.

- amending Rule 9, Alaska Rules of Administration, by not requiring filing fees for an ex parte protective order.
- amending Rule 77, Alaska Rules of Civil Procedure, by requiring a hearing within 72 hours of the filing of a petition for the appointment of a temporary conservator.

Section 48 amends the uncodified law by indicating that Sections 3-5, 45, and 46 of the bill apply to offenses committed on or after the effective date.

Section 49 amends the uncodified law by adding revisor's instructions to change the catch lines of AS 47.24.010 and AS 47.24.013

Section 50 amends the uncodified law by adding a new section which indicates that the enactment of portions of Section 9 of the bill, having to do with ex parte orders, are contingent upon a two-thirds vote of each house on Section 47(a) and 47(b) of the bill, referencing court rule amendments.

Section 51 provides for an effective date of July1, 2011.

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES  
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## CSHB 150 (JUD) – EXPLANATION OF CHANGES

The following is a description of the changes that have occurred between the originally introduced bill and the version before the House Finance Committee. A total of 40 amendments were made to the original version of the bill. The page references below refer to the current bill version.

1. The first two sections of the bill are newly added.
2. Page 4, line 18; Sec. 9. 13.26.207(a) - Following “attorney” inserted “**and other persons as ordered by the court**”.
3. Page 4, line 31-page 5, line 3; Sec. 9. AS 13.26.209(a) - Following “**person.**” inserted “**A petition filed on behalf of a protected person by another person must be accompanied by proof of service of the petition on the protected person or the person’s attorney unless service would cause an immediate threat of harm to the best interests of the protected person and the petition includes a written explanation of the harm.**”
4. Page 5, lines 10-12; Sec. 9. AS 13.26.209(a) -Replaced “**The court shall cause a copy of the protective order to be served on the respondent.**” with “**The court shall cause a copy of the protective order, any related orders, and a scheduling order, if any, to be served on the respondent and the protected person.**”
5. Page 5, lines 28-29; Sec. 9. AS 13.26.209(d) - Following “**notice to**” inserted “**the protected person and**” .
6. Page 6, lines 5-6; Sec. 9. AS 13.26.209(f) - Replaced “**A third party shall comply with a protective order issued under this section.**” with “**A third party that has received actual or legal notice of a protective order issued under this section shall comply with the order.**”
7. Page 6, line 10; Sec. 9. AS 13.26.209(f) - Replaced “**person**” with “**party**”.
8. Page 6, lines 12-15; Sec. 9. AS 13.26.209(f) - Following “**order.**” inserted “**As used in this section, “actual or legal notice” means delivery by mail or facsimile at the most recently known place of residence or business of the third party or registering with the Department of Public Safety.**”
9. Page 6, line 29; Sec. 10. AS 13.26.324 - The reference number 13.26.325 was already used, so Legal Services changed it to 13.26.324.

10. Page 7, line 1; Sec. 10. AS 13.26.324(2) - Replaced “**theft and related offenses**” with “**offenses against property**”.
11. Page 7, line 13; Sec. 11. AS 18.65.530(a)(2) - Replaced “**and**” with “**or**” .
12. Page 7, line 30-Page 8, line 10; Sec. 14. AS 44.21.415(g) - this is a new section
13. Page 10, lines 13-14; Sec. 19. AS 47.24.010(e) - Reinserted “**at the earliest opportunity**”.
14. Page 13, lines 5-8; Sec.28. AS 47.24.015(h) - this is a totally redrafted subsection.
15. Page 13, line 13; Sec. 28. AS 47.24.015(j) - Deleted (j) in the original bill and re-lettered the following subsections accordingly.
16. Page 13, line 28; Sec. 28. AS 47.24.015(m) - Replaced “**the following:**” and (1) – (4) with “**any person**”
17. Page 14, line 2; Sec. 29. AS 47.24.015(a) - Following “**guardian,**” inserted “**conservator,**” .
18. Page 14, line 11-12; Sec. 29. AS 47.24.015(a)(1) - Replaced “**divorce or dissolution**” with “**divorce, [OR] dissolution, or legal separation**” .
19. Page 15, line 9; Sec. 32. AS 47.24.017(a) - Replaced “**guardian or**” with “**guardian, conservator, [OR]**”.
20. Page 15, line 23; Sec. 33. AS 47.24.019(c) - Replaced “**a family member, caregiver, guardian, conservator, attorney-in-fact, trustee, or surrogate decision maker**” with “**any person.**”
21. Page 15, line 25; Sec. 33. AS 47.24.019(c) - Replaced “**a family member, caregiver, guardian, conservator, attorney-in-fact, trustee, or surrogate decision maker**” with “**person**”.
22. Page 16, line 10; Sec. 34. AS 47.24.050(b) - Following “**guardian,**” inserted “**conservator,**” .
23. Page 16, line 13; Sec. 34. AS 47.24.050(b) - Following “**guardian,**” inserted “**conservator,**” .

24. Page 17, line 4; Sec. 36. AS 47.24.900(2)(A) - Following **“intentional,”** inserted **“knowing,”** .
25. Page 17, line 21; Sec. 38. AS 47.24.900(4) - Replaced **“means”** with **“includes”**.
26. Page 17, line 31; Sec. 39. AS 47.24.900(7)(B) - Following **“deception,”** inserted **“fraud,”** .
27. Page 18, lines 1-2; Sec. 39. AS 47.24.900(7) (B) - Following **“duty;”** inserted **“in this paragraph, “fraud” has the meaning given in AS 13.26.324(1) and (2);”**
28. Page 18, line 4; Sec. 40. AS 47.24.900(9) - Following **“intentional,”** inserted **“knowing,”**.
29. Page 18, line 10; Sec. 40. AS 47.24.900(9) - Replaced **“means”** with **“includes”**.
30. Page 18, lines 12-26; Sec. 41. AS 47.24.900(11) - Legal Services reformatted this section, but there was no substantial change.
31. Page 18, line 19; Sec. 41. AS 47.24.900(11)(B )(D) - Replaced **“(iv) freezing an account at a financial institution;”** with **“(D) staying financial transactions;”**
32. Page 19, line 6; Sec. 42. AS 47.24.900(15)(D) - Following **“loss”** inserted **“, waste, or dissipation”** .
33. Page 19, lines 19-21; Sec. 44. AS 47.24.900(18) – Redrafted the definition of **“fiduciary duty”**.
34. Page 20, lines 16-18; Sec. 44. AS 47.24.900(21) - Replaced **“ “undue influence” means a person of trust or confidence uses the person’s role, relationship or authority to exploit”** with **“ “undue influence” means the use by a person who stands in a position of trust or confidence of the person’s role, relationship, or authority to wrongfully exploit”** .
35. Page 20, line 18; Sec. 44. AS 47.24.900(21) - Deleted **“deceptively”**.
36. Page 20, lines 26-29; Sec. 45. Direct Court Rule Amendments 12(h) - Replaced all bold language with **“In deciding whether to grant the motion, the court shall consider the victim’s circumstances and the effect that delay would have on the victim, particularly a victim of advanced age or extreme youth. The court shall place its findings on the record.”**
37. Page 21, lines 8-9; Sec. 46. Direct Court Rule Amendments 45(a) - Deleted all bold language.

38. Page 21, line 8; Sec. 46. Direct Court Rule Amendments 45(a) - Following “cases.” inserted **“The court shall consider the circumstances of the victim, particularly a victim of advanced age or extreme youth, in setting the trial date.”**

39. Page 21, lines 23-25; Sec. 47. Indirect Court Rule Amendments (c) - Due to the deletion of Page 12, lines 6-14; Sec. 25. AS 47.24.015(j) in original bill, deleted (c). Due to Page 4, lines 3-4; Sec. 7. AS 13.26.207(a) in original bill, inserted new (c).

40. Page 22, line 17; Sec. 51. Effective Date - Replaced **“immediately under AS 01.10.070(c).”** with **“July 1, 2011.”**



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OFFICE OF THE GOVERNOR  
MAILROOM

MAR 14 2011

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Anchorage

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March 9, 2011

Honorable Sean Parnell  
Governor  
State of Alaska  
PO Box 110001  
Juneau, AK 99811-0001

Dear Governor Parnell:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for facilitating the introduction of House Bill 150 and Senate Bill 86, relating to the protection of property of persons under disability and minors; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; relating to the protection of vulnerable adults; amending Rule 12(h), Alaska Rules of Criminal Procedure; amending Rule 45(a), Alaska Rules of Criminal Procedure; amending Rule 65, Alaska Rules of Civil Procedure; amending Rule 17, Alaska Rules of Probate Procedure; amending Rule 9, Alaska Rules of Administration; and providing for an effective date.

The APOA Executive Board's Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

We thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

John Lucking, Jr.  
State President

