



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 17, 2012

The Honorable Andy Tobin
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2696 (vulnerable adults; financial exploitation)

Dear Speaker Tobin,

Today, I vetoed House Bill 2696. It appears that the intent of this legislation was to protect certain individuals from a financial exploitation claim by providing that the transfer of a vulnerable adult's assets for the primary purpose of obtaining or maintaining Medicaid, Supplemental Social Security Income, Medicare or Veteran's Administration programs would not be exploitation.

Despite the intent, however, I believe the proposed language in the bill weakens protection for the vulnerable adult population and does not provide adequate safeguards. One of my concerns was a floor amendment pertaining to a written expression of informed consent that reduced the number of witnesses required from two to one. Additionally, the bill would have created a rebuttable presumption that the vulnerable adult understood the meaning and effect of that expression. My other concern pertains to the phrase "primary purpose" as it relates to the transfer of assets for certain purposes, and combining that terminology with a broad statement that such action is not exploitation. The language should be more precise if the intent was to clarify activity that would not be considered exploitation.

I am and always will be committed to those populations that deserve protection from individuals with questionable motives that could take advantage of their circumstances. Accordingly, I do not believe the language of House Bill 2696 adequately explains and refines those necessary protections.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Steve Pierce
The Honorable Cecil Ash