

**HB 3129**  
**Relating to professional fiduciaries**

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A professional fiduciary is defined as an individual serving three or more protected persons who are not related to the person serving as fiduciary. Professional Fiduciaries serve clients by making consequential physical or financial decisions. Vulnerable populations including the elderly, infirm, and those suffering from intellectual disabilities are often the people that use the services of Professional Fiduciaries. These populations are particularly susceptible to abuse, financial harm, and exploitation. Clear requirements to practice as a professional fiduciary ensures oversight of those serving protected persons in this capacity, and minimizes incidents of abuse and exploitation.

House Bill 3129 requires an individual seeking appointment as a professional fiduciary to provide proof of certification by the Center for Guardianship Certification, or its successor organization, as a National Certified Guardian or a National Master Guardian.

Your Public Safety Subcommittee recommends HB 3129 be amended and reported out “do pass” as amended.

Joint Committee on Ways and Means

Carrier – House: Rep. Dembrow  
Carrier – Senate: Sen. Winters

**Revenue:**

**Fiscal:** No fiscal impact

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**Action:** Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

**Vote:**

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

**Prepared By:** Kim To, Legislative Fiscal Office

**Meeting Date:** June 19, 2013

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**WHAT THE MEASURE DOES:** Requires an individual seeking appointment as a professional fiduciary to provide proof of certification by the Center for Guardianship Certification or its successor organization as a National Certified Guardian or a National Master Guardian.

**ISSUES DISCUSSED:**

- Fiscal impact

**EFFECT OF COMMITTEE AMENDMENT:** Eliminates the establishment of the Work Group in the original bill. Clarifies that the petition for the appointment of a professional fiduciary must include proof that the professional fiduciary or a person responsible for making decisions for clients, or managing assets for the fiduciary must be certified by a national organization

**BACKGROUND:** Courts may appoint guardians to make decisions for protected persons, and/or conservators to manage the property and assets of protected persons. Both guardians and conservators are “fiduciaries,” in that they are required to act for the benefit of another or others (ORS Chapter 125).

In 2011, the legislature created the Joint Interim Task Force on Public Guardian and Conservator, (via House Bill 2237), that recommended mandatory certification and licensure of professional fiduciaries. House Bill 3129 creates a State Board of Professional Fiduciaries, within the Department of Human Services, to adopt rules and a code of conduct, for professional fiduciaries to be certified by the Department of Human Services.

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3129**

1 On page 1 of the printed A-engrossed bill, line 2, delete “creating new  
2 provisions; and”.

3 Delete lines 8 through 10 and insert:

4 “(a) Proof that the professional fiduciary, or an individual responsible for  
5 making decisions for clients or for managing client assets for the profes-  
6 sional fiduciary, is certified by the Center for Guardianship Certification or  
7 its successor organization as a National Certified Guardian or a National  
8 Master Guardian.”.

9 On page 2, line 15, restore “the professional fiduciary and”.

10 In lines 17 and 18, restore the bracketed material.

11 On page 3, delete lines 21 through 45 and delete page 4.

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