

Joint Committee on Ways and Means

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

**Revenue:** No revenue impact

**Fiscal:** No fiscal impact

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

**Vote:** 25 – 0 – 1

House

Yeas: Barker, Buckley, Frederick, Freeman, Hanna, Huffman, Jensen, Komp, McLane, Nathanson, Read, Richardson, Smith, Tomei, Williamson

Nays:

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Girod, Hansell, Monroe, Steiner Hayward, Thomsen, Whitsett, Winters

Nays:

Exc: Johnson

**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.