

HB 2090 with HCA 1 and HCA 2 -- PUBLIC ADMINISTRATORS

SPONSOR: Chipman

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 11 to 0.

This bill specifies that no public administrator acting as guardian or conservator can be required to disclose any personal or financial information including his or her Social Security number or personal bank account number to any party with which they are contracting on behalf of a ward or protectee.

HCA #1: This amendment specifies that upon request, a consumer credit reporting agency (CCRA) must provide a public administrator a free credit report on a quarterly basis. The CCRA must remove all references to any debt owed by a ward of the public administrator from the public administrator's credit report. The CCRA is authorized to request the public administrator provide a copy of the order appointing him or her as the public administrator for a ward.

HCA #2: This amendment specifies that a public administrator must not be held personally liable or act as the guarantor for debts of their ward or protectee. A violation of these provisions may result in civil liability and a fine of up to \$50.

PROPONENTS: Supporters say that public administrators have had their credit negatively impacted because of the duties they carry out in regard to their wards. This bill simply prohibits anyone from asking a public administrator for credit information while that public administrator is acting in connection with the duties of their wards. One public administrator testified that unbeknownst to her, she was listed as the financial guarantor for many of her wards, and this has negatively impacted her credit. Another public administrator testified that this has so negatively impacted her credit, she can not get financing for a home, due to no fault of her own.

Testifying for the bill were Representative Chipman; JeAnna McGarrah, Newton County; and Kathy Oliver, Phelps County.

OPPONENTS: There was no opposition voiced to the committee.