

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1559
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State Affairs
4/27/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As with nearly any court proceeding, guardianship proceedings have a fee schedule. However, unlike many court proceedings, guardianships are unique due to their perpetual nature with additional fee requirements imposed in administering a guardianship. The current fee schedule of a guardianship proceeding generally consists of an initial filing fee, annual accountings and reports, and a filing fee if there is real property or personal property to be sold. S.B. 1559 waives these fees for guardianship proceedings involving certain individuals.

S.B. 1559 waives guardianship proceeding fees for those proceedings involving military, law enforcement, firefighters, and other first responders injured in the line of duty. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1559 amends current law relating to a fee exemption for guardianship proceedings of certain military servicemembers and certain law enforcement officers, firefighters, and other first responders.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 1053, Estates Code, by adding Sections 1053.053 and 1053.054, as follows:

Sec. 1053.053. EXEMPTION FROM GUARDIANSHIP PROCEEDING FEES FOR CERTAIN MILITARY SERVICEMEMBERS. (a) Defines "combat zone."

(b) Prohibits the clerk of a county court, notwithstanding any other law, from charging, or collecting from, the estate of a proposed ward or ward any of certain fees if the court finds that the proposed ward or ward became incapacitated as a result of a personal injury sustained while in active service as a member of the armed forces of the U.S. in a combat zone.

(c) Provides that the clerk of a county court is not required to refund a fee exempt under this section that is paid before September 1, 2017. Provides that this subsection expires September 1, 2019.

Sec. 1053.054. EXEMPTION FROM GUARDIANSHIP FEES FOR CERTAIN LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND OTHERS. (a) Defines "eligible proposed ward," "eligible ward," "line of duty," and "personal injury."

(b) Prohibits the clerk of a court, notwithstanding any other law, from charging, or collecting from, the estate of an eligible proposed ward or eligible ward any of certain fees if the court finds the proposed ward or ward became incapacitated as a result of a personal injury sustained in the line of duty in the individual's position as described by Section 615.003 (Applicability), Government Code.

(c) Provides that the clerk of a county court is not required to refund a fee exempt under this section that is paid before September 1, 2017. Provides that this subsection expires September 1, 2019.

SECTION 2. Provides that the changes in law made by this Act apply to a guardianship proceeding that is pending or commenced on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2017.