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Chapter 436

S.B. No. 1559

AN ACT

relating to a fee exemption for guardianship proceedings of certain military servicemembers and certain law enforcement officers, firefighters, and other first responders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 1053, Estates Code, is amended by adding Sections 1053.053 and 1053.054 to read as follows:

Sec. 1053.053. EXEMPTION FROM GUARDIANSHIP PROCEEDING FEES FOR CERTAIN MILITARY SERVICEMEMBERS. (a) In this section, "combat zone" means an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat.

(b) Notwithstanding any other law, the clerk of a county court may not charge, or collect from, the estate of a proposed ward or ward any of the following 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 United States in a combat zone:

- (1) a fee for the filing of a guardianship proceeding;
- and
- (2) a fee for any service rendered by the court regarding the administration of the guardianship.

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

4 Sec. 1053.054. EXEMPTION FROM GUARDIANSHIP FEES FOR CERTAIN
5 LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND OTHERS. (a) In this
6 section:

7 (1) "Eligible proposed ward" or "eligible ward" means
8 an individual listed in Section 615.003, Government Code.

9 (2) "Line of duty" and "personal injury" have the
10 meanings assigned by Section 615.021(e), Government Code.

11 (b) Notwithstanding any other law, the clerk of a court may
12 not charge, or collect from, the estate of an eligible proposed ward
13 or eligible ward any of the following fees if the court finds the
14 proposed ward or ward became incapacitated as a result of a personal
15 injury sustained in the line of duty in the individual's position as
16 described by Section 615.003, Government Code:

17 (1) a fee for the filing of a guardianship proceeding;
18 and

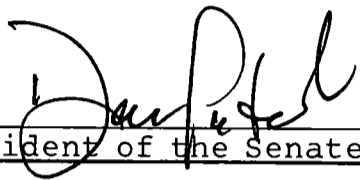
19 (2) a fee for any service rendered by the court
20 regarding the administration of the guardianship.

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

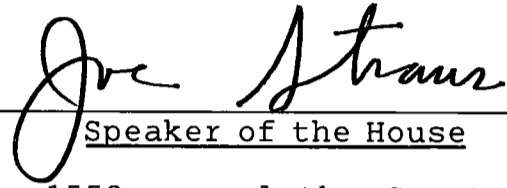
24 SECTION 2. The changes in law made by this Act apply to a
25 guardianship proceeding that is pending or commenced on or after
26 the effective date of this Act.

27 SECTION 3. This Act takes effect September 1, 2017.

S.B. No. 1559

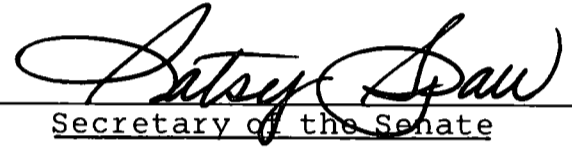


President of the Senate



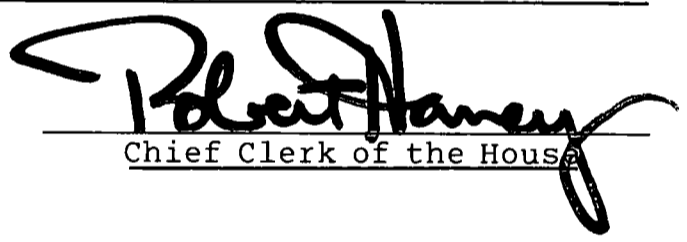
Speaker of the House

I hereby certify that S.B. No. 1559 passed the Senate on May 11, 2017, by the following vote: Yeas 31, Nays 0._____



Secretary of the Senate

I hereby certify that S.B. No. 1559 passed the House on May 23, 2017, by the following vote: Yeas 145, Nays 0, one present not voting._____

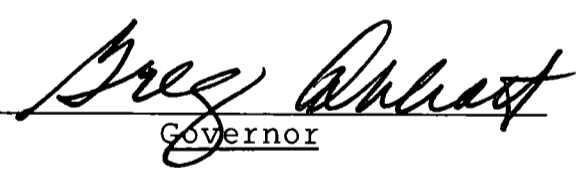


Chief Clerk of the House

Approved:

5-31-2017

Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O'CLOCK

JUN 01 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 15, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1559 by Taylor, Larry (Relating to a fee exemption for guardianship proceedings of certain military servicemembers and certain law enforcement officers, firefighters, and other first responders.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Estates Code to address the fee for the filing of guardianship proceedings and other fees for services relating to the administration of the guardianships. The bill would prohibit a court clerk from collecting these fees from the estate of a proposed ward or ward if the court finds that the proposed ward or ward became incapacitated as a result of personal injury sustained while in active service as a member of the armed forces of the United States in a combat zone or became incapacitated in the line of duty as a peace officer, firefighter, or other public servant listed in Government Code, Section 615.003. The bill would clarify that a clerk of a county court is not required to refund a fee that the bill exempts that is paid prior to September 1, 2017.

According to the Office of Court Administration and Comptroller of Public Accounts, the reduction in state collections from filing and administrative fee revenue prohibitions are not anticipated to be significant because the number of guardianship applications that qualify for the exemption are not anticipated to be significant.

Local Government Impact

According to the Office of Court Administration, no significant fiscal impact on the local court system is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, LBO, AG, GDz, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 28, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1559 by Taylor, Larry (Relating to a fee exemption for guardianship proceedings of certain military servicemembers and certain law enforcement officers, firefighters, and other first responders.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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Comptroller of Public Accounts

LBB Staff: UP, AG, GDz, JGA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 26, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1559 by Taylor, Larry (Relating to a fee exemption for guardianship proceedings of certain military servicemembers and certain law enforcement officers, firefighters, and other first responders.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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