

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 2, 2011

TO: Honorable Richard Pena Raymond, Chair, House Committee on Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB426 by Duncan (Relating to the liability of and payment of legal fees for court-appointed trustees of certain facilities.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 242, Subchapter D, Health and Safety Code by adding Sec. 242.0947 and Chapter 252, Subchapter D, Health and Safety Code by adding Section 252.0935.

Section 242.0947 would allow a trustee to be paid for reasonable legal fees incurred in fulfilling trustee duties from emergency assistance funds available under 242.096. This would apply to a trustee appointed under Section 242.094 to operate a nursing home or convalescent home or an assisted living facility.

Section 252.0935 would allow a trustee to use emergency assistance funds under Section 252.095 to pay reasonable legal fees actually incurred by the trustee in the fulfillment of trustee duties. This would apply to a trustee appointed under Section 25.093 to operate an intermediate care facility for the mentally retarded.

Under Sections 242.0947 and 252.0935 a court may order the Department of Aging and Disability Services (DADS) to disburse emergency assistance funds to the trustee to pay the fees.

The bill would take effect September 1, 2011.

DADS indicated trustees are currently permitted to use emergency assistance funds to pay for legal fees incurred while performing their trustee responsibilities.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, KJG, MB, ML, NB