

BILL ANALYSIS

Senate Research Center

S.B. 148
By: Williams; Nichols
State Affairs
7/1/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In an effort to recognize first responders, The Woodlands Bar Association created a program called the "Wills for Heroes" program, which provided first responders (firefighters, ambulance drivers, and police officers) with complimentary estate planning consisting of wills, powers of attorney, and directives to physicians.

The program proceeded successfully for several years until the bar association became concerned that the program might violate the Gifts to Public Servants Act, as estate planning documents' value generally exceeds \$50. This bill addresses that concern by creating an exemption to the Gifts to Public Servants Act. S.B. 148 amends Section 36.10(a) (relating to exceptions to which Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) are not applicable) of the Penal Code by adding a ninth exception to the law in an effort to allow local bar associations to continue to give back to the first responders in their communities.

The bill allows first responders who fit within the definition of "first responder" to receive complimentary estate planning services through a program or clinic of a local bar association or the State Bar of Texas. The bill also requires the receiving public servant to have approval from the head of the employing agency.

S.B. 148 amends current law relating to certain legal advice or legal services rendered to certain public servants.

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 Section 36.10, Penal Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Provides that Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) do not apply to:

(1)-(6) Makes no change to these subdivisions;

(7)-(8) Makes nonsubstantive changes; and

(9) complimentary legal advice or legal services relating to a will, power of attorney, advance directive, or other estate planning document rendered:

(A) to a public servant who is a first responder; and

(B) through a program or clinic that is:

(i) operated by a local bar association or the State Bar of Texas;
and

(ii) approved by the head of the agency employing the public servant, if the public servant is employed by an agency.

(e) Defines "first responder" in this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.