

CHAPTER 579

H.B. No. 1107

AN ACT

relating to the designation of a resident agent for acceptance of service of process in guardianship proceedings as qualification for the appointment of nonresident persons as guardians of resident wards.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 110, Texas Probate Code, is amended to read as follows:

Sec. 110. PERSONS DISQUALIFIED TO SERVE AS GUARDIANS. The following persons shall not be appointed guardians:

- (a) Minors.
- (b) Persons whose conduct is notoriously bad.
- (c) Incompetents.

(d) Those who are themselves parties, or whose father or mother is a party to a lawsuit on the result of which the welfare of the person for whom, or for whose estate, a guardian is to be appointed, may depend.

(e) Those who are indebted to the person for whom or for whose estate a guardian is to be appointed, unless they pay the debt prior to the appointment, or who are asserting any claim to any property, real or personal, adverse to the person for whom, or for whose estate, the appointment is sought.

(f) *A nonresident person who has not filed with the court the name of a resident agent to accept service of process in all actions or proceedings relating to the guardianship.*

(g) Those who by reason of inexperience or lack of education, or for other good reason, are shown to be incapable of properly and prudently managing and controlling the ward or his estate.

SECTION 2. The change in law made by this Act applies only to an application for appointment of a guardian filed on or after the effective date of this Act. An application for appointment of a guardian filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 30, 1993, by a non-record vote; passed by the Senate on May 26, 1993: Yeas 30, Nays 0.

Approved June 11, 1993.

Effective Sept. 1, 1993.