

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 25, 2005**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judiciary

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

**IN RE: HB1309** by Ritter (Relating to certain identifying information contained in the case file maintained by a county clerk for a decedent's estate.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Texas Probate Code to prohibit a county clerk from posting on the Internet certain information contained in a decedent's case file. The bill would take effect September 1, 2005.

**Local Government Impact**

For counties that do not currently post probate case information on the Internet, there would be no fiscal impact. If a county were to choose to discontinue posting probate case information on the Internet, there would be an insignificant fiscal impact to remove information from the Internet, although that action could increase the number of in-person requests processed, which would have some costs associated. Those costs are not expected to be significant.

For those counties that do post probate case information and would continue to post the information, the fiscal impact from redacting information would vary by county and would depend on how the records are currently posted and what systems are used to post the information. For example, Harris County (population 3.4 million) estimates a one-time cost of \$5,000 to remove an applicant's address from the Probate index, which is the only probate information currently accessible by the public through the county's website. Fort Bend County (population 354,452) estimates that the removal of information from the county's website would result in an increase in in-office requests for information. The county clerk indicates that the personnel required to redact information or to remove documents from the website and to respond to increased in-office requests would result in costs of \$90,875 in fiscal year 2006 (which includes capital outlay for new staff), and ranging from \$75,375 in fiscal year 2007 to \$85,875 in fiscal year 2010 to continue paying for staff to handle the workload. The estimates in both Harris and Fort Bend counties are less than 1 percent of the counties' overall budget; therefore, it is assumed that there would be no significant fiscal implications to units of local government.

**Source Agencies:**

**LBB Staff:** JOB, JB, DLBa