

BILL ANALYSIS

S.B. 819
By: Wentworth
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Local Government Code establishes a \$25 late fee if an inventory in a probate action is filed 120 days after the date the probate action is filed. The Probate Code establishes the deadline for filing an inventory as 90 days after the executor qualifies. Therefore, it is possible that a newly qualified executor would file an inventory within 90 days of qualification, but still have to pay a late fee because the inventory was filed more than 120 days after the probate action was filed.

S.B. 819 applies the \$25 late fee only if the inventory is filed more than 90 days after the executor qualifies.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 118.052, Local Government Code, as follows:

Sec. 118.052. FEE SCHEDULE. Sets forth the services and corresponding fee amounts for which a county court clerk is required to collect. Provides that the fee for filing an inventory and appraisal as provided by Section 118.056(d) is \$25. Deletes existing text charging the aforementioned fee after the 120th day after the date of the initial filing of the action.

SECTION 2. Amends Section 118.056, Local Government Code, as amended by Chapter 66, Acts of the 76th Legislature, Regular Session, 1999, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Makes a conforming change.

(d) Provides that the fee for filing an inventory and appraisal under Section 118.052(2)(B)(i) applies only if the instrument is filed within a specified timeframe or the court grants an extension.

SECTION 3. Amends Section 101.081, Government Code, to make conforming changes.

SECTION 4. Amends Section 101.101, Government Code, to make conforming changes.

SECTION 5. Amends Section 101.121, Government Code, to make conforming changes.

EFFECTIVE DATE

September 1, 2007.