

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 2, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: SB559 by Hegar (Relating to inventories, appraisements, and lists of claims of a decedent's estate under independent administration.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would require the judge (as opposed to the county clerk) to be the keeper of the inventory, appraisal, and list of claims filed in probate cases. The bill would require judges' offices to maintain court case records, rather than the county clerk. Access to certain records would be restricted, and the court would be authorized to charge a reasonable fee not to exceed actual costs for any copies of documents that the court is authorized to provide.

Local Government Impact

Various county clerks and applicable courts were contacted to obtain fiscal information regarding provisions of the bill. County clerks indicated that their offices would experience an insignificant amount of savings as a result of certain records being maintained by the judges' office rather than by the county clerk. However, a judge's office would incur costs of acquiring/paying for storage space; purchasing file cabinets; hiring staff to maintain and copy the records and to review inspection and issue orders; providing the office, equipment, and supplies needs of new staff; and for courts in which an automated system would be used, there would be costs for programming.

Costs of copying would be offset by fees charged, but examples of cost estimates for all other aspects of implementation in the first fiscal year include \$151,556 in Tarrant County, which has two probate courts; \$169,062 in Dallas County, which has three probate courts; \$51,900 in Jefferson County; \$5,000 to \$7,000 per probate court in Comal County; and approximately \$100,000 per court in Fort Bend County. Estimates for subsequent years were similar.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TP, DB, SJS, TB