

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

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

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

IN RE: SB1789 by Wentworth (Relating to certain proceedings relating to an individual's will.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill makes procedural changes to the Probate Code in cases in which a will includes a provision that has the effect of disinheriting an heir. It provides that a court may make a finding of sufficient testamentary capacity, no undue influence operating on the applicant, and no tortious interference with the inheritance rights of another relating to the applicant's property. Under the bill, if a court makes this finding, it shall order that the disinherited heir may not institute a suit to contest the validity of the will under Section 93 of the Probate Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

LBB Staff: JOB, MN, SD, SJS