

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 24, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB810 by Darby (Relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill amends Section 123.005 of the Property Code. The bill adds new language to align jurisdiction with existing venue provisions and fully effect the filing of suit by the Office of the Attorney General (OAG) in Travis County. The bill establishes that the statutory probate court of Travis County has concurrent jurisdiction with any other court which has jurisdiction under Section 4A of the Texas Probate Code in proceedings brought by the OAG which allege breach of fiduciary duty relating to a charitable trust created by a will. Currently, the OAG must file a probate related suit in the court where the will is probated under the jurisdiction provisions, although venue is clearly established in Travis County.

The bill would allow the OAG to file in Travis County more charitable trust cases involving an assertion of breach of fiduciary duty in the context of a probate case. This should result in reduced travel expenses.

The bill takes effect immediately if it receives a vote of two-thirds of each chamber of the legislature. If it does not receive the required vote, this Act takes effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, JT, SD, SJS