

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 10, 2011

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

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

IN RE: HB1209 by Taylor, Larry (Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Texas Probate Code to prohibit a county clerk from charging or collecting probate fees from the estate of a decedent who dies from personal injury sustained in the line of the duty while serving as law enforcement officer, firefighter, or other person as described by Section 615.003 of the Government Code.

According to the Comptroller of Public Accounts, the State Fire Marshal's website reported eleven firefighters died in the line of duty from 2006 to 2010. The Combined Law Enforcement Association of Texas reported 77 peace officers died in the line duty from 2006 to 2010.

Following the recodification of the Texas Probate Code as detailed Acts 2009, 81st Legislature, Regular Session, Chapter 680, Section 10(a), the bill would be transferred to the Estates Code.

ARTICLE 2 would be effective January 1, 2014.

The bill would be effective September 1, 2011.

Local Government Impact

There could be a fiscal impact to a county, but because only a limited number of estates would qualify for the exemption, the reduction in fee revenue is not anticipated to be significant.

Based on information provided to the Comptroller of Public Accounts, Victoria County estimated four filings from fiscal years (FY) 2011–16 at a cost of \$249 per filing, with a total loss of \$966. Hays County projected filing only one from FY 2011–16 at a cost of \$287, with a total loss of \$287.

Source Agencies:

LBB Staff: JOB, JT, TP