

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

February 21, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB789 by King, Phil (Relating to the allowance in lieu of exempt property in the administration of a decedent's estate.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Probate and Estate Codes by increasing the following allowances: (1) the amount of the allowance in lieu of a homestead to \$45,000 from \$15,000; and (2) the allowance for other exempted property to \$30,000 from \$5,000.

The bill is not anticipated to have a significant fiscal impact on the state judiciary. While the bill could reduce probate/county judge's workload, see below, few appeals will be eliminated because estates affected by this bill are smaller estates where all, but the simplest appeals, might not be considered cost effective. Therefore, no significant impact on the state is anticipated.

The bill could reduce probate/county judges' workloads. By increasing the family's allowances which cannot be used to determine the estate's solvency, more estates will be considered insolvent and therefore may not be probated. For those wills/estates that will be probated/administered after passage of the bill, more parties will be able to use some of Texas's less onerous probate proceedings, such as small estate affidavits. Therefore, no significant fiscal impact to the courts is anticipated.

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: UP, CL, SD, SJS