

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1755 by Patrick, Diane (Relating to authorizing the appointment of a public probate administrator; authorizing fees.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code, Chapter 25 and the Estates Code, Chapter 455 to authorize the appointment of a public probate administrator and define the responsibilities of the position. The bill would permit a statutory probate court judge, with the concurrence of the commissioners court, to appoint a public probate administrator, which may be a person, charitable organization, or other suitable entity. The bill would require the administrator to be bonded or self-insured by the county and the position would be funded by the county. The bill would define the powers and duties of the administrator, who would take possession of a decedent's property and administer the estate, when the estate has no appointed personal representative or suitable next of kin. The bill would also require a \$10 supplemental public probate administrator court fee for probate court actions. The bill would take effect January 1, 2014.

Since the fee would be retained locally, the Office of Court Administration and the Comptroller of Public Accounts indicate no significant fiscal impact to the state.

Local Government Impact

CPA contacted three sample local governments to determine the costs to establish the office of the public probate administrator; the amount of revenue the county would collect from commissions on the administration of estates; and the amount of revenue the county would collect from the supplemental public probate administrator fee. All three counties' fiscal years (FY) begin on October 1.

Howard County stated that the commissioners court does not intend to appoint a public probate administrator, but estimated that salaries, supplies, and other expenses would cost \$75,000 in FY 2014 and \$100,000 each fiscal year thereafter. The county estimated revenue collected from supplemental public probate administrator fees would be \$1,125 in FY 2014 and \$1,500 in subsequent fiscal years. The county could not estimate the amount of revenue that would be collected from commissions, or the amount of startup or technology costs that would be incurred.

Cooke County estimated that salary, supplies, and other expenses for the office of the public probate administrator would cost \$76,598 in FY 2014 and \$102,131 each fiscal year thereafter.

The county estimated revenue collected from supplemental public probate administrator fees would be \$1,013 in FY 2014 and \$1,350 in subsequent fiscal years. The county estimated technology costs would be \$2,800, but could not estimate the amount of revenue that would be collected from commissions.

Webb County could not estimate the amount of costs to establish the office of the public probate administrator. The county estimated the revenue collected from supplemental public probate administrator fees would be \$1,478 in FY 2014 and \$1,970 each fiscal year thereafter. The county estimated technology costs would be \$25,000, but could not estimate the amount of revenue that would be collected from commissions.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, CL, JI, JJO, TP