

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2795** by Raymond (Relating to enforcement of a lien against certain decedents' interests in real property.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Estates Code to specify procedures relating to lien enforcement of certain decedents' real property interests. The bill specifies that no later than 90 days after the date of a foreclosure sale, the trustee or substitute trustee shall pay into the court registry any proceeds of the foreclosure sale remaining after deducting foreclosure costs, certain fees, and debts. The bill specifies that any money paid into the court registry under this subchapter that remains on deposit with the court for four years and six months after the date of the decedent's death shall then be paid to the comptroller in accordance with the Government Code Chapter 551. The change in law would apply only to the estate of a decedent that dies on or after the bill's effective date. The bill would take effect January 1, 2014.

The Office of Court Administration reports that the bill will not result in a significant fiscal impact to the statewide judiciary. The Comptroller of Public Accounts reports that there is no data on which to base the amount of revenue the bill would generate and that the fiscal impact of the bill can not be determined. This analysis assumes that the bill's provision requiring payment to the state of certain funds remaining on deposit after the specified time period will generate some additional revenue, but assumes the amount is not anticipated to be significant.

Local Government Impact

The Office of Court Administration reports that entities of local government may see a small increase in generated fees resulting from certain filing requirements in the bill. However, such impact is not expected to be significant.

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

LBB Staff: UP, AM, CL