

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 22, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB2912** by Thompson, Senfronia (Relating to decedents' estates.), **Committee Report 1st House, Substituted**

<p><b>No fiscal implication to the State is anticipated.</b></p>
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The bill creates Estates Code section 309.057. The bill authorizes, the court or any person interested in the estate may complain when a personal representative fails to timely to timely file its section 309.051 inventory and assessment. The bill codifies usual practice and existing contempt law and procedure. The court gives the personal representative a clear and specific written order. The court then sets the case for a show cause hearing. Under the bill, the court could then find the personal representative in contempt of court with a fine of up to \$1,000. In addition to establishing a fine of up to \$1,000, the bill calls for the personal representative to pay damages and costs for the representative's failure to timely complete the inventory and assessment. The personal representative and his surety would be liable for the fine, damages, and costs. Because the bill codifies existing court procedures, no increase in state court workloads are anticipated. No fiscal impact to the state judiciary is anticipated.

The bill with its amendments to section 362.005, requires the clerk of the court (as opposed to the personal representative) to give notice/citation of the hearing to contest the personal representative's accounting to each heir or beneficiary. The notice/citation must be sent by certified mail, return receipt requested, unless the court directs another method of service by written order. The notice and citation will increase the clerk of the county, county court at law, or probate court's workload. The county will incur the cost of certified/return receipt or other delivery. The fiscal impact is not expected to be significant.

**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