

BILL ANALYSIS

H.B. 3319
By: Kuempel
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern that county clerks have insufficient guidance regarding the receipt and proper handling of a will. In addition, the parties note that counties must deal with certain unnecessary notification requirements and that it has been too long since certain fees have been adjusted. H.B. 3319 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3319 amends the Estates Code to increase from \$5 to \$10 the amount of the fee the county clerk receives to keep a will. The bill revises statutory provisions relating to a county clerk's requirement to notify persons named in a will regarding certain probate matters to remove the specification that the method of notification is by registered mail, return receipt requested.

H.B. 3319 requires the clerk of the court to receive and keep a delivered will on the payment of a \$10 fee and to handle a will in the same manner prescribed for a will deposited with a county clerk. The bill requires the clerk of the court, on the deposit of a will that names an executor, to notify the person named as executor and deliver, on request, the will to the person named as executor. The bill requires the clerk of the court, on the deposit of a will, to notify the devisees named in the will if the will does not name an executor, if the person named as executor in the will has died or fails to take the will before the 31st day after the date the notice is mailed to the person, or if the notice mailed to the person named as executor is returned as undelivered. The bill requires the clerk of the court, on request, to deliver the will to any or all of the notified devisees.

H.B. 3319 amends the Government Code to require the clerk of a statutory county court, the clerk of a statutory probate court, and the clerk of a county court to collect a fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem; a nonrefundable \$40 fee to cover the cost of administering the registration of private professional guardians; and a \$10 fee for the delivery of a will to the court clerk by custodian.

H.B. 3319 amends the Local Government Code to increase from \$2 to \$10 the fee that a clerk of a county court is required to collect for claims against an estate and to make a conforming fee

change.

EFFECTIVE DATE

September 1, 2015.