

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 5, 2015

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3319 by Kuempel (Relating to procedures and fees for the safekeeping of wills and other fees collected by court clerks in probate matters; authorizing and increasing fees.),
As Introduced

No significant fiscal implication to the State is anticipated.

The bill would increase the Estates Code and the Government Code to increase the fee a county clerk receives for accepting a will for safekeeping from \$5 to \$10. The bill adds a fee of \$10 for delivery of a will to the court clerk by custodian. The bill also adds to the lists of fees in a probate court a required fee of \$40 for administering a guardianship with a private professional guardian and the cost of filing and payment of an attorney ad litem (these fees are already authorized under existing law). The bill also authorizes county clerks to send some notices in regard to having custody of a will by means other than certified mail. The Office of Court Administration (OCA) indicates that because no portion of the fees is remitted to the state, no significant fiscal implication for the court system is anticipated.

Local Government Impact

Because OCA does not collect any statistics on the number of wills that county clerks receive for safekeeping or the number of wills delivered to a clerk by a custodian, the revenue implication for counties cannot be estimated, although local revenue is expected to result in a positive fiscal implication. Similarly, counties will experience an undetermined amount of cost savings from being relieved of the responsibility to send certain notices by certified mail.

Tarrant County Clerk's Office reported that no fiscal impact is anticipated.

Yoakum County reported that a positive fiscal impact is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, FR, TB, KVe