

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1877 by Murr (Relating to a penalty for independent executors who misrepresent in an affidavit in lieu of the inventory, appraisalment, and list of claims that certain beneficiaries received the inventory and appraisalment.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill relates to a penalty on independent executors who misrepresent in an affidavit the inventory, appraisalment, and list of claims that certain beneficiaries received in the inventory and appraisalment.

The bill would amend Chapter 309 of the Estates Code, regarding inventory, appraisalment and list of claims, to add new Section 309.0575 authorizing a court to fine an independent executor an amount not to exceed \$1,000. The bill would authorize the court to levy this fine if, on its own motion or on the motion of any person interested in the estate, it finds the executor misrepresented, in certain affidavits, that beneficiaries entitled to a verified, full and detailed inventory and appraisalment received that inventory and appraisalment.

The bill would make the executor and his or her sureties liable for any fine and all damages and costs resulting from that misrepresentation. The fine, damages, and costs may be recovered in any court of competent jurisdiction.

This section of the bill would only apply to the estate of a decedent who dies on or after the effective date of the bill. The estate of a decedent who dies before the effective date of this bill is governed by the law in effect on the date of the decedent's death.

The Office of Court Administration reports that there would be no significant fiscal impact on the state court system.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

To understand the potential impact of the bill on local governmental entities, the Comptroller's office contacted Atascosa County. The County Judge indicated there would be no fiscal impact on the county resulting from this bill.

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

LBB Staff: UP, AG, LBO, SD, SJS