

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 12, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2271 by Wray (Relating to decedents' estates and certain posthumous gifts.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend several sections of the Estates Code and the Property Code to address the rights of parties with potential interests in an estate. The bill would clarify the definition of child and would establish a new procedure for identifying the next of kin. The bill would allow certain depositions to be taken in accordance with the terms set forth in chapter 51 of the Estates Code or under the Rules of Civil Procedure.

The bill would add new provisions to address certain trusts with divorced individuals as joint settlors and to clarify beneficiary rights under certain survivorship agreements. The bill would make a number of procedural changes throughout the Estates Code, and would introduce conforming changes to ensure the use of consistent language throughout that Code.

The bill would create a private cause of action against certain financial institutions holding the escrow accounts of a deceased attorney. Where such an institution fails to disburse the escrow funds and close the escrow accounts within seven days of such a request, a beneficiary or distributee of the deceased attorney could seek injunctive or declaratory relief, damages, and reasonable attorney's fees.

The bill would clarify the accrual of an unborn person's right to certain class membership.

The bill would also repeal Section 303.003, which allows certain notifications to be made by publication, and Section 362.010, which prohibits the closing of an estate until all state inheritance taxes and all interests and properties passing through the representative's possession have been paid.

Although the bill would create a new civil cause of action, any increased caseload would likely be absorbed by existing resources. No significant fiscal impact on the state court system or local courts is anticipated.

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, LBO, SD, SJS