

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1089 – HB 869

March 24, 2013

SUMMARY OF ORIGINAL BILL: Prohibits clerks of court from charging the \$40.00 provided in Tenn. Code Ann. § 8-21-401(i)(6) if payment is made to a minor child or a conservator.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005152): Deletes all language after the enacting clause.

Prohibits the court clerks from charging the \$40.00 fee provided in Tenn. Code Ann. § 8-21-401(i)(6) for payments made pursuant to a court order from funds held by the clerk unless the payment concerns a redemption of delinquent taxes from a property sale, in which case the fee may be charged only once against all the proceeds held by the clerk.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- In legal proceedings, such as conservatorships and guardianships, property may be brought into the possession of the court prior to judgment. Such property is held by the clerks of the court. When the clerk pays out any proceeds from that property, the clerk may charge a \$40.00 fee.
- The bill exempts payments made on behalf of a minor or to a conservator from being from the fee.
- Based on research by Fiscal Review staff, there is only one county in Tennessee that charges this fee. It is assumed that any decrease in local revenue will not be significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm