

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2172 – SB 2254

March 16, 2016

SUMMARY OF ORIGINAL BILL: Requires a sworn waiver, rather than just a waiver, from all of the distributees of a residue estate be filed with the court clerk to waive detailed accountings of a solvent estate.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014254): Deletes all language after the enacting clause. Requires a sworn waiver or statement under penalty of perjury, rather than just a waiver, from all of the distributees of a residue estate be filed with the court clerk to waive detailed accountings of a solvent estate; provides that for estates where the death of the decedent occurred after January 1, 2016, a final receipt from the Department of Revenue does not need to be filed with the court; and authorizes any executor named in a decedent's last will and testament to decline to serve as the personal representative by filing a sworn statement or a statement under penalty of perjury with the court.

Deletes references to "executor or administrator" in Tenn. Code Ann. § 30-1-112 and replaces them with "personal representative"; requires all beneficiaries to an estate who are not under a disability that would preclude them from acting to file a sworn statement or a statement under penalty of perjury with the court consenting to the personal representative serving without bond; and declares that it is the responsibility of a nonresident personal representative seeking appointment by the court to secure appointment of the Secretary of State as agent for service of process; and requires a receipt or a stamped copy of the request from the Secretary of State acknowledging the appointment to accompany the petition for probate.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

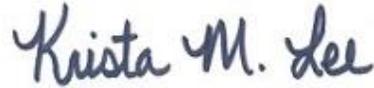
- The bill as amended makes various changes to procedural matters related to probate proceedings.
- It is assumed that the bill as amended will not significantly impact court operations.

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- The Administrative Office of the Courts confirms that the bill will not significantly impact the courts.
- The Secretary of State currently serves as an agent of service of process for other nonresident persons appointed for fiduciary and trust estate matters. It is assumed that adding nonresident personal representatives and nonresident small estate affiants to those that can appoint the Secretary of State as agent of service of process will not significantly impact the Secretary of State.

CERTIFICATION:

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

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm