

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 423 - HB 1233

March 4, 2017

SUMMARY OF BILL: Authorizes chancery court clerks to publish certain divorce actions in a newspaper, rather than serving the action in person, when a party to a divorce action cannot be located.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Net Impact - \$500/Permissive

Assumptions:

- If a spouse has been unable to locate the other spouse for five or more years and files an affidavit containing certain last-known contact information of the defending spouse, the court may publish the service to be served in a newspaper without further attempts at personal service.
- Pursuant to Tenn. Code Ann. §8-21-901, the Sheriff or Constable shall be entitled to \$40 for serving process in person and for any attempt to serve process which was unsuccessful.
- It is reasonable to assume that without the provisions of this bill a Sheriff or Constable would attempt to serve process in person at least twice.
- Based on responses to the 2012 Local Government Survey conducted by the Fiscal Review Committee, participating local government officials reported the average cost for a newspaper notification is \$134.
- Pursuant to Tenn. Code Ann. § 21-1-204, notice shall be published for four consecutive weeks.
- It is estimated that court clerks will publish one process per year as a result of the proposed language, resulting in a net permissive and recurring increase in local government expenditures of \$456 [(\$134 per newspaper notification x 4 notifications) – (\$40 service fee x 2 attempts at service in person)].

CERTIFICATION:

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

Handwritten signature of Krista M. Lee in cursive script.

Krista M. Lee, Executive Director

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