

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 174 - HB 190

February 21, 2019

SUMMARY OF ORIGINAL BILL: Requires an administrator or executor of an estate to swear an oath that he or she is not disqualified from serving as such due to receiving a sentence of imprisonment or other disqualification.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004359): Deletes and replaces all language after the enacting clause, such that the only substantive change is to add language to the bill to require an oath to be sworn by an administrator or executor of an estate that all statements in the petition about the representative are true and accurate and to require the verified petition for letters of administration or letters testamentary to administer the estate of a decedent to include certain information.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-20-115, a sentence of imprisonment disqualifies an inmate in a penitentiary from serving the role of executor, administrator or guardian, or fiduciary or conservator.
- Pursuant to Tenn. Code Ann. § 30-1-111, administrators and executors of estates are required to swear oaths for performing the will of a diseased individual.
- The proposed legislation requires verified petitions for letters of administration or letters testamentary to administer the estate of a decedent to contain the name, age, mailing address, relationship to the proposed personal representative to the decedent, a statement of any felony or misdemeanor convictions, and a statement of any sentence of imprisonment in a penitentiary.

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- Any impact to the court system resulting from the addition of language to the oath that is sworn by administrators and executors is estimated to be not significant.

CERTIFICATION:

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

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

Krista Lee Carsner, Executive Director

/amj