

A RESOLUTION to create a special joint committee to study the Uniform Probate Code and to recommend any necessary legislative revisions to the existing probate laws in Tennessee.

WHEREAS, the Uniform Probate Code deals with most probate matters and has been adopted for the most part in many states, it has become a very important code necessary for the establishment of uniform probate laws, in that the Uniform Probate Code updates and supplements old and outdated probate laws; and

WHEREAS, there has been no major revision of the Probate Laws in Tennessee since the nineteenth century, much litigation has occurred resulting in judicial interpretations of the law which, despite numerous amendments to different sections of the law, lack uniformity and remain unincorporated in the code; and

WHEREAS, provisions of this important law remain unclear and subject to divergent views of the bench and bar, thereby causing uncertainty as to the legal rights and protections of all involved; and

WHEREAS, the various philosophies surrounding all aspects of probate laws have been vigorously debated by concerned persons interested in bringing into light the changes of the law in most sister states; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a commission be appointed to:

1. Study all aspects of the probate law in Tennessee with a view towards adopting the Uniform Probate Code by revising, updating, and clarifying the law so that it may give clear and consistent guidance to those using it and those affected by the law in order to ensure, to the extent possible, the uniformity of probate law from any legal uncertainties related to this important process; and

2. Recommend legislation to effect the above goals.

BE IT FURTHER RESOLVED, That the commission shall consist of the following:

(1) Two (2) members of the Senate, to be appointed by the Speaker of the Senate;

(2) Two (2) members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(3) Two (2) members of the bench who regularly preside over probate matters, one (1) to be appointed by the Speaker of the House and one (1) to be appointed by the Speaker of the Senate;

(4) Three (3) members of the bar who practice regularly in the probate field, to be appointed by the Speaker of the House;

(5) Three (3) professors of probate law in law schools located in Tennessee, to be appointed by the Speaker of the Senate.

BE IT FURTHER RESOLVED, That the senior member shall convene the commission which shall then elect such officers as it deems necessary.

BE IT FURTHER RESOLVED, That non-legislative members of the commission shall serve without compensation, but shall be reimbursed for travel in accordance with state travel regulations.

BE IT FURTHER RESOLVED, That the commission shall file the report of its findings and any recommendations concerning legislation, with the 99th General Assembly no later than December 15, 1995.