

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: Am. H.B. 313 DATE: June 23, 1999
STATUS: In House Civil and Commercial Law SPONSOR: Rep. Salerno
LOCAL IMPACT STATEMENT REQUIRED: No — No local cost
CONTENTS: Revises probate laws

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1999	FY 2000	FUTURE YEARS
County General Fund			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	- 0 -	- 0 -
Indigent Guardianship Fund			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	- 0 -	- 0 -

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Creates an additional circumstance under which an estate can be released from administration. A \$60 fee accompanies the application for release from administration. Twenty dollars of this fee is deposited into an indigent guardianship fund for payment of any cost, fee, charge, or expense associated with the establishment, opening, maintenance, or termination of a guardianship for an indigent ward. The remaining \$40 portion of the fee is deposited into the county's general fund.

Detailed Fiscal Analysis

The bill would make several changes to Ohio's Probate Laws, which will have no direct fiscal effect on the state. In general, the bill relaxes minor restrictions and closes existing loopholes in probate law. According to the Department of Taxation, these provisions should not have a direct fiscal effect on the collection of any estate taxes. Additionally, the bill newly provides for the transfer of interest in real property upon death and expands the ability to release certain small estates from administration.

The new provision releasing small estates from administration could have a negligible positive fiscal effect on the general fund and the indigent guardianship fund of counties. A \$60

fee must accompany the application for a summary release of an estate from administration. Twenty dollars of this fee shall be deposited into the indigent guardianship fund. Expenditures from this fund shall be made only for payment of any cost, fee, charge, or expense associated with the establishment, opening, maintenance, or termination of a guardianship for an indigent ward. The remaining \$40 portion of the fee is deposited into the county's general fund. The probate judge in a county may add additional fees onto an application for the release of an estate from administration to support dispute resolution and court computerization. These fees, if permitted, are collected on the filing of each action and proceeding before the court. However, the number of additional applications is not expected to create a sizeable increase in the amount of revenue collected into any local fund.

□ LBO staff: Corey C. Schaal, Budget/Policy Analyst

H:\Fn123\HB0313IN.DOC