



Ohio Legislative Service Commission

Jeffrey R. Kasler

Fiscal Note & Local Impact Statement

Bill: [H.B. 449 of the 128th G.A.](#)

Date: March 2, 2010

Status: As Introduced

Sponsor: Rep. Ujvagi

Local Impact Statement Procedure Required: No — No local cost

Contents: Right of disposition of a person's remains

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

Overview

For the purposes of this fiscal analysis, the bill most notably permits the use of the federal "Record of Emergency Data Form" (DD Form 98) to satisfy the written declaration requirements for designating a person who is authorized to direct disposition of a person's remains.

In researching the bill's fiscal implications, LSC fiscal staff spoke with staff of Ohio's Adjutant General's Department as well as the United States Office of the Deputy Undersecretary of Defense. What follows is a distillation of those conversations.

DD Form 98

All members of the military are required to complete a DD Form 98. Prior to deployment, the form must be updated. One facet of the form requires the member to designate a person authorized for direct disposition (PADD). Basically, the PADD is the person who makes any decisions on what to do with the member's remains, should that person die while on active duty. The intent of the bill is to ensure that the DD Form 98 is recognized as the instrument by which a member designates a PADD. It does not take the place of a will and is null and void upon a member's retirement or separation from the armed forces.

Local fiscal effects

It appears that, over the past few years, a handful of disputes have arisen across the country regarding who has the authority to direct the disposition of a deceased member's remains. Although we are not certain, such disputes may have resulted in one or more parties seeking a remedy by filing a civil action in the appropriate court. None of these disputes, however, appear to have occurred in Ohio, which suggests that the bill will have no direct fiscal effect on any of the state's political subdivisions, in particular the local courts that would be required to adjudicate such matters. That said, by codifying that the DD Form 98 is sufficient to constitute a written declaration, the bill may decrease the likelihood that a local Ohio court would have to adjudicate such a dispute in the future.

State fiscal effects

The bill will have no direct effect on state revenues or expenditures.