Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 147 of the 128th G.A. **Date**: March 19, 2010

Status: As Reported by House Veterans Affairs **Sponsor**: Sen. Hughes

Local Impact Statement Procedure Required: No — Minimal cost

Contents: To give the right of disposal to the U.S. Secretary of Veterans Affairs regarding unclaimed cremated remains of persons who are entitled to be buried in a national cemetery

State Fiscal Highlights

STATE FUND	FY 2010 and FUTURE YEARS
General Revenue Fund	
Revenues	- 0 -
Expenditures	Potential decrease due to fewer indigent burial expenses

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- The bill would allow the United States Secretary of Veterans Affairs to have the right of disposal for unclaimed remains of persons entitled to be buried in a national cemetery. Since the state is required to assume costs for unclaimed bodies in certain instances, it is possible that state costs for transportation and burial of unclaimed cremated remains could decrease as a result of the bill.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2010 and FUTURE YEARS
Counties, municipalities, and townships	
Revenues	- 0 -
Expenditures	Potential decrease due to fewer indigent burial expenses

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

- The bill would allow the United States Secretary of Veterans Affairs to have the right of disposal for unclaimed remains of persons entitled to be buried in a national cemetery. Since local governments assume the costs of unclaimed bodies in certain instances, it is possible that local governmental costs for transportation and burial of unclaimed cremated remains could decrease as a result of the bill.

Detailed Fiscal Analysis

Currently, there is an order of priority for the right of disposition of a deceased body or remains when a person has not executed a written declaration or when the person to whom the right of disposition has been assigned or reassigned pursuant to a written declaration is disqualified. The order is as follows:

1. The surviving spouse;
2. The surviving child or children;
3. The surviving parent or parents;
4. The surviving sibling or siblings, whole or half-blood;
5. The surviving grandparent or grandparents;
6. The surviving grandchild or grandchildren;
7. The lineal descendants of the deceased person's grandparents;
8. The guardian at the time of death, if a guardian had been appointed;
9. Any other person willing to assume the right of disposition (i.e., the personal representative of the person's estate or the licensed funeral director), after attesting in writing that a good faith effort has been made to locate the individuals listed immediately above; and
10. In the case of an indigent person or other person whose body is the responsibility of the state or political subdivision, the public officer or employee responsible for arranging the final disposition of the remains of the deceased.

Also under current law, the person who has the right of disposition can serve as an authorizing agent for cremation. A cremation cannot occur until a cremation authorization form has been completed. The authorizing agent who executed the cremation authorization form is responsible for the final disposition of the cremated remains. If the authorization form does not contain instructions for the final disposition of the cremated remains, if no arrangements are made within 60 days after the cremation, and if the cremated remains have not been picked up, the operator of the crematory facility or funeral home holding the remains can dispose of the remains in a grave, crypt, or niche.

Under the bill, if cremated remains of a decedent who is 18 years of age or older are unclaimed, the operator of the crematory facility or the funeral home holding the cremated remains shall, before disposing of the unclaimed cremated remains, notify the United States Department of Veterans Affairs of the name of and other identifying information related to the decedent. If within 60 days of this notification, the Secretary of Veterans Affairs determines that the decedent was a veteran entitled for burial in a national cemetery, the crematory facility or funeral home is required to follow the directions of the Secretary and arrange for the burial of the unclaimed remains in the

national cemetery at the Secretary's expense. If the Secretary does not assume the right to direct the burial of the unclaimed remains within 60 days, the crematory facility or funeral home may carry out the disposition of the unclaimed remains.

State fiscal impacts

The state is required to pay for the expenses associated with the burial or cremation of an indigent person that dies in a state institution operated by the Department of Developmental Disabilities, in a state correctional institution, or in a state mental hospital if the body is not claimed by relatives or friends. As a result of the bill, it is possible that the state could realize a decrease in the number of burials of cremated remains that it would be required to pay for. If this occurs, the costs for the state would decrease. Any decrease would depend on the number of cremated remains released to the Secretary of Veterans Affairs for burial in a national cemetery.

Local fiscal impacts

If a body is found in a township or municipal corporation and is not an inmate of a state institution and is not claimed by any person, the body is to be disposed of in the following manner: (1) if the person was a legal resident of the county, the expense of the burial or cremation would be paid by the township or municipal corporation in which the deceased had legal residence, (2) if the person was a legal resident of another county of the state, the expense would be paid by the township or municipal corporation in which the deceased had legal residence, and (3) if the person was an inmate of a correctional institution of the county or patient/resident of another county institution, the person had no legal residence in the state or that residence is unknown, the expense will be paid by the county. As a result of the bill, it is possible that local governments could realize a decrease in the number of burials that they would be required to pay for. If this occurs, the costs for local governmental entities would decrease. Any decrease would depend on the number of cremated remains released to the Secretary of Veterans Affairs for burial in a national cemetery.

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