



# Ohio Legislative Service Commission

Wendy Risner

## Fiscal Note & Local Impact Statement

**Bill:** S.B. 147 of the 128th G.A.      **Date:** September 29, 2009  
**Status:** As Introduced      **Sponsor:** Sen. Hughes

**Local Impact Statement Procedure Required:** No — Minimal cost

**Contents:** To give the right of disposal to the United States Secretary of Veterans Affairs regarding abandoned or unclaimed 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 disposition for abandoned or unclaimed remains of persons entitled to be buried in a national cemetery. Since the state is required to pay for burials in certain instances, it is possible that state burial expenses could decrease as a result of the bill.

### Local Fiscal Highlights

LOCAL GOVERNMENT      FY 2009 and FUTURE YEARS

#### Counties

Revenues	- 0 -
Expenditures	Potential decrease due to fewer indigent burial expenses; Potential minimal increase for retaining custody of a body during determination of burial

#### 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 disposition for abandoned or unclaimed remains of persons entitled to be buried in a national cemetery. Since local government entities are required to pay for

burials in certain instances, it is possible that local governmental burial expenses could decrease as a result of the bill.

- The bill would give the United States Secretary of Veterans Affairs 60 days to examine records and/or the body or remains of a deceased person to determine whether the deceased was a veteran entitled to burial in a national cemetery. This could increase the amount of time that county morgues retain custody of a body or remains. Thus, it is possible that there could be an increase in costs relating to this. Any increase is expected to be minimal since it is expected that this would occur infrequently.

---

## 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.

Under the bill, the person with custody of a deceased person's body is required to notify the United States Department of Veterans Affairs, before proceeding to other persons willing to assume the right of disposition (see number 9 above). The Secretary of Veterans Affairs has 60 days after this notification to examine records and/or the body or remains of the deceased to determine whether the deceased was a veteran entitled for burial in a national cemetery. If the Secretary makes a determination that the deceased is entitled to burial in a national cemetery, the Secretary is assigned the right of disposition. If the Secretary requests the release of the body or remains, the person with custody is required to release the body or remains to the Secretary.

### 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 that it would be required to pay for. If this occurs, the burial costs for the state would

decrease. Any decrease would depend on the number of bodies or 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 governmental entities could realize a decrease in the number of burials that they would be required to pay for. If this occurs, the burial costs for local governmental entities would decrease. Any decrease would depend on the number of bodies or remains released to the Secretary of Veterans Affairs for burial in a national cemetery.

The county morgue holds bodies when the identity of the deceased is unknown or the identity of the deceased's relatives or other persons entitled to the custody of the body or remains are unknown. As a result, county morgues could retain custody of a body or remains for a longer period of time while the Secretary of Veterans Affairs determines eligibility for burial in a national cemetery. If this occurs, county morgues could realize an increase in costs. It is expected that any costs associated with this would be minimal since this would happen infrequently.