



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

## Synopsis of House Committee Amendments

(This synopsis does not address amendments that may have been adopted on the House Floor.)

### S.B. 224 of the 134<sup>th</sup> General Assembly

#### House Civil Justice

Yosef Schiff, Attorney

The amendments adopted by the House committee make the following changes from the As Passed by the Senate version of the bill:

#### **Unclaimed preneed funeral contract funds**

- Revises the bill's provisions specifying when preneed funeral contract funds become unclaimed funds to specify that:
  - Funds held or owed by a holder pursuant to a preneed funeral contract become unclaimed funds if they are unclaimed as of the end of the year in which the beneficiary turns 105, unless the holder or the contract seller confirms during that calendar year that the beneficiary is still alive.
  - Funds held or owed by a preneed funeral contract trust trustee become unclaimed funds if the trustee was unable to pay all funds held by the trustee (less fees charged, distributions paid, and expenses incurred) within 180 days after receiving notice that the contract beneficiary has died.
- Establishes procedures relating to confirming that the beneficiary of the contract is still alive and requiring unclaimed funds to be reported and remitted to the Director of Commerce pursuant to the Unclaimed Funds Law.

#### **Right of disposition**

- Authorizes a person to exercise the right to serve as a decedent's representative for up to 72 hours after discovery of the decedent's remains when the discovery occurs more than an hour after the decedent's death and no notification of death is provided. (The bill previously required the person to exercise the right within 72 hours of the death, which does not account for circumstances where the decedent's remains are found after that 72-hour period.)

- Applies the statutory laws related to the right of disposition when there is no written declaration (because a person under 18 cannot create such a declaration) to a deceased child in the same manner as the law currently applies to a deceased adult.
- Gives precedence for the right of disposition of a deceased person's remains to the parent who was the residential parent and legal custodian (residential parent) of the deceased person over the parent who was not the residential parent at the time the deceased person reached the age of majority.
- Prohibits a parent who has been disqualified from the right of disposition to have the parental precedence.
- Specifies that the parental precedence for the right of disposition is not affected by a group of people or class of persons being assigned the right of disposition.
- Provides that a parent's status as a residential parent must be established by a court order that was in effect up to or at the time that the decedent reached the age of majority, or by other uncontroverted evidence.
- Provides that funeral directors, embalmers, and crematory operators are not required to investigate whether the person claiming to be the residential parent of a deceased person is in fact the residential parent.

### **County commissioners**

- Allows a county commissioner who is required to serve on another public body as an ex officio member (e.g., as a director of a solid waste district) to be replaced by an appointee (by the remaining two county commissioners) if the county commissioner has a conflict or potential conflict regarding membership on the body.

### **Ohio Elections Commission**

- Requires the legislative leaders of each party and the Governor to appoint one alternate for each party to the Ohio Elections Commission.
- Requires the six partisan members of the Ohio Elections Commission to appoint an independent alternate for the independent seventh member.
- Requires alternates to serve on the Commission for hearings in which a Commission member is recused or is otherwise unable to hear, and requires alternates to serve when there is a vacancy on the Commission for the period of the vacancy.