



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3325 As amended by the House of Representatives on May 12, 2015
 Author: J.E. Smith
 Requestor: Senate Judiciary
 Date: May 22, 2015
 Subject: Uniform Partition of Heirs Property Act
 RFA Analyst(s): Wren and Shealy

Estimate of Fiscal Impact

	FY 2015-16	FY 2016-17
State Expenditure		
General Fund	Minimal	N/A
Other and Federal	N/A	N/A
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	N/A	N/A
Other and Federal	N/A	N/A
Local Expenditure	\$0	N/A
Local Revenue	N/A	N/A

Fiscal Impact Summary

The Judicial Department indicates that any additional expenditures would be minimal and could be absorbed within current resources. There would be no expenditure impact on Federal Funds or Other Funds. Additionally, this bill is not expected to have an expenditure impact on county governments.

Explanation of Fiscal Impact

State Expenditure

This bill creates the Uniform Partition of Heirs' Property Act. The bill provides the guidelines for notice of publication by the plaintiff in a partition action. Also, this bill provides court procedures in determining the value of the property and factors for the court to consider for different types of partitions. Additionally, this bill provides that a court ordered sale must be an open market sale unless the court finds that a sale by sealed bids or an auction would be more economically advantageous. This bill also amends Section 15-61-10, which provides that a court shall determine whether property is classified as heirs' property.

Judicial Department. The Judicial Department reports that during FY 2013-2014, there were 176 partitions actions filed in South Carolina Common Pleas courts. There is no data to indicate how many of those actions were related to heirs' property. The Judicial Department indicates that if any additional hearings are held as a result of the proposed legislation, it is anticipated that

any additional expenditures would be minimal and could be absorbed within current resources. There would be no expenditure impact on Federal Funds or Other Funds.

State Revenue

N/A

Local Expenditure

The Revenue and Fiscal Affairs Office contacted all forty-six county governments regarding the expenditure impact of this bill. Clarendon and Richland Counties indicate this bill would have no impact on their jurisdictions. Based on the responses received and since the court system is currently reviewing partition cases, we estimate this bill will have no expenditure impact on county governments.

Local Revenue

N/A



Frank A. Rainwater, Executive Director