

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0272-01
Bill No.: HB 452
Subject: Contracts and Contractors; Domestic Relations; Family Law
Type: Original
Date: April 4, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(\$30,000)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	(\$30,000)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTIONS

Officials from the **Office of the State Courts Administrator** and the **Department of Economic Development - Division of Professional Registration** assume this proposal would have no fiscal impact on their organization.

Officials from the **Department of Health and Senior Services (DOH)** assume this proposal would not have a fiscal impact on their organization. DOH stated that if an impact were to result, funds to support the program would be sought through the appropriation process. DOH stated that 40,452 marriage certificates were filed in FY 2003 and 35,284 in FY 2004.

Officials from the **Office of Attorney General** assume this proposal would require a one-time cost of approximately \$30,000 to develop, print, and distribute the required pamphlet.

ASSUMPTIONS (continued)

Officials from the **Office of the Boone County Recorder** (Recorder) assume the proposal would have a significant but unknown negative fiscal impact on their organization. The Recorder stated there was no way to estimate the number or percentage of new marriages that would be covenant marriages, or the number of existing marriages that would be converted into covenant marriages. The Recorder also noted that the proposal does not provide for additional funding for county recorders' offices.

Officials from the **Office of the Callaway County Recorder** and the **Office of the Greene County Recorder** did not respond to our request for information.

Oversight assumes county recorders would have a minimal fiscal impact from this proposal. Persons who choose a covenant marriage would file additional documents with a covenant marriage application form in place of the current marriage application form, and recorders would be required to indicate a covenant marriage on marriage certificates for those persons. Currently married persons could choose to convert their existing marriage certificates to covenant marriage certificates by filing an application with attached documents, and Oversight assumes the existing marriage application fee would be charged for those conversions.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE			
<u>Costs - Office of Attorney General</u>			
Pamphlet development and printing costs	<u>(\$30,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$30,000)</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small business which operate counseling centers could be positively impacted by the proposal as couples wishing to enter into covenant marriages would be required to obtain premarital counseling prior to marriage, and would also be required to receiving counseling prior to separation or divorce.

DESCRIPTION

This proposal would provide for covenant marriage in the state of Missouri. A covenant marriage would require premarital counseling and would limit the spouses' ability to legally separate or dissolve the marriage.

The couple would execute and file with the marriage license application a prescribed declaration of intent to contract a covenant marriage. The marriage license would indicate that the parties have undertaken a covenant marriage.

The couple would attest to their intention to undertake a covenant marriage with full knowledge of the commitment it requires; execute an affidavit verifying that they have completed premarital counseling; provide a notarized statement executed by the person performing the premarital counseling confirming the parties' completion of counseling; and provide the notarized signature of both parties. If one or both of the parties are minors, the written consent of the persons required to consent to a minor's marriage would also be required.

Officers issuing covenant marriage licenses would forward copies of covenant marriage declarations to the State Registrar of vital statistics once a month.

Married couples could convert their marriage into a covenant marriage by executing a declaration of intent with substantially the same contents as a declaration executed by unmarried persons.

A couple could not obtain a legal separation or dissolve a covenant marriage unless the parties first obtained counseling and then only upon certain specified grounds.

The Attorney General's office would promulgate an information pamphlet entitled "Covenant Marriage Act" outlining the consequences of entering into a covenant marriage. The pamphlet would be available to all counselors who perform covenant marriage premarital counseling.

This legislation is not federally mandated, would not duplicate any other program and would not

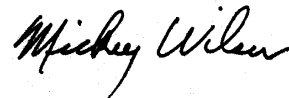
require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Department of Economic Development -
Division of Professional Registration
Department of Health and Senior Services
Office of the Boone County Recorder

NOT RESPONDING

Office of the Callaway County Recorder
Office of the Greene County Recorder



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Director
April 4, 2005