

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4450-05  
Bill No.: HCS for HB 2173  
Subject: Marriage and Divorce  
Type: Original  
Date: March 9, 2020

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Bill Summary: This proposal changes the laws regarding marriage and replaces marriage licenses with contracts of domestic union.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Could exceed \$64,681)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$64,681)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 11 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Federal Funds*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Distribution of income and costs net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Department of Revenue (DOR)** assume to implement the proposed legislation from §301.3121, the DOR will be required to update procedures, correspondence letters, forms, and the DOR website.

#### **FY 2021 – Motor Vehicle Bureau (MVB)**

Administrative Office Support Asst.	5 hrs.	@ \$13.78 per hr.	= \$ 69
Administrative Analyst I	40 hrs.	@ \$14.70 per hr.	= \$ 588
Revenue Manager	5 hrs.	@ \$20.59 per hr.	= \$ <u>103</u>
Total			= \$ 760

#### **FY 2021 – Communications Bureau (CB)**

Administrative Analyst II	20 hrs.	@ \$17.13 per hr.	= \$ 343
Management Analyst I	20 hrs.	@ \$18.42 per hr.	= \$ <u>368</u>
Total			= \$ 711

Total Costs **\$1,471**

In addition to salaries, the fringe would be estimated at \$489 for a total administrative cost of \$1,960 for this proposal.

**DOR** also assumes ITSD costs of \$6,772 (71.28 hours x \$95 per hour) for the changes needed.

Officials also assume to implement the proposed legislation from §302.171, the **DOR** will be required to:

- Work with vital records and county recorders to determine procedure and requirements for filing of a contract of domestic union.
- Amend regulation 12 CSR 10-24.448 Document Required for Issuance of a Driver or Nondriver License or Instruction Permit;
- Amend contract license office procedures and internal procedures for REAL ID-compliant and non REAL ID-compliant application acceptable full legal name verification documents;
- Complete business decision documents;
- Complete business requirements defining system changes for the Missouri Electronic Driver License (MEDL) system, Mo Driver License (MODL) record system, Central Driver Information System (CDIS) and other supporting applications;

ASSUMPTION (continued)

- Modify name change reason/document list on applicant data screen and related CDL verification and document scanning prompts;
  - Add new source document code for a contract of domestic union for source document posting;
  - Add new name change affidavit statements code to post to the transaction record and to generation on the license verification statement;
  - Allow for posting of new affidavit codes and source document codes to CDIS and MODL;
  - Modify MEDL document checklists.
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- Work with OA ITSD to program changes to the MEDL system and supporting applications;
  - Complete user acceptance testing of required system changes;
  - Update the Departments' website information related to name verification and name change procedures
  - Modify interactive REAL ID document entry screens; and
  - Update the renewal postcard information as applicable.

And to implement the proposed legislation from §302.178, the **DOR** will be required to:

- Amend contract license office procedures and internal procedures for acceptable verification documents to determine an individual is an emancipated minor;
- Complete business decision documents and
- Update the Departments' website information related to name verification and name change procedures.

**FY 2021 Public Services Bureau (PSB)**

Update Webpage - Administrative Analyst III	40 hrs @ \$19.80 = \$792
Modify Procedures – Management Analysis Spec I	40 hrs @ \$18.42 = \$737
	<b>Total = \$ 1,529</b>

**FY 2021 Driver's License Bureau (DLB)**

Requirements, rule amendment, procedure development and user acceptance testing:	
2 Management Analyst Spec. II – 360 hrs @ \$20.57 per hr = \$7,405 x 2 = \$14,810	
Revenue Band Manager Band I - 160 hrs @ \$20.59 per hr =	\$ 3,294
	<b>Total = \$ 18,104</b>

ASSUMPTION (continued)

In addition to salaries, the fringe would be estimated at \$6,527 for a total administrative cost of \$26,160 for this proposal.

**Oversight** assumes DOR could absorb the additional work required for implementation of this proposal. However, Oversight will reflect the ITSD programming costs in FY 2021.

Officials at the **Department of Social Services (DSS)** assume there would be ITSD costs of **\$115,818 (\$18,365 + \$13,133 + \$84,320)** (50% GR = \$57,909 and 50% Federal = \$57,909). This proposal would require modifications to the existing system (MACSS) of **\$18,365**. Analysis would have to be done to determine what screen literals would need to be changed, as well as, what table attributes and literals require changes. There would also be literal changes to forms. The amount of real estate on each of the forms is limited and with the literal change going from one word to four or five words would cause some of the forms to have issues with spacing.

This proposal would require modifications to the FAMIS system of **\$13,133**. Changes to existing notices that contain the word ‘marriage’ on them would have to be made. In addition, there are several CICS screens that contain the word ‘marriage’ as well as code table values. Because there is no easy way to do a generic search for the word ‘marriage’, the assumption is we would have to go screen by screen to look for the word in order to determine the amount of changes required.

This proposal would require modifications to the Missouri Eligibility Determination and Enrollment System (MEDES) of **\$84,320**. This system provides case management and eligibility determination support for the set of MO HealthNet programs based on Modified Adjusted Gross Income (MAGI) criteria established by the Patient Protection and Affordable Care Act of 2010. From a policy rules perspective, no system changes are required. There are a number of references to “marriage”, however, that will result in system changes as part of the relabeling effort.

Officials at the **Department of Corrections (DOC)** state this legislation removes any requirement of a marriage ceremony or solemnization. It is a contract signed by both parties and witnessed by two adults; this legislation requires these individuals to appear in person at the recorder of deeds office. It further states that this section will not prohibit any incarcerated person from entering into a contract of domestic union; however there is not any language regarding how that process would occur for incarcerated persons.

ASSUMPTION (continued)

Currently, by statute, when an incarcerated offender is applying for a marriage license, the Warden signs an affidavit stating the names of both applicants, date of birth for the incarcerated applicant, attestation that the applicants are not related, date the marriage was ended if the incarcerated applicant was previously married, and attestation that the applicant cannot appear in person to the recorder of deeds because the applicant is incarcerated. (451.040) This legislation removes this process.

There are significant operational and fiscal concerns if the intent is to outcount incarcerated persons to go to the recorder of deeds office to sign the contract of domestic union. Each outcount requires at least one officer to supervise the offender (at least two officers are required for maximum security offenders); every time an offender is outside the secure perimeter public safety is at risk. In addition, legislation still allows for marriage ceremonies to occur; so there will continue to be workload on the institutional chaplain and other facility staff when the offender or civilian requests to have a ceremony. There is also an impact on offender to offender marriages which currently occur through video conference equipment.

The DOC is unable to give a fiscal impact to this legislation, as it is unknown how many offenders will apply for a marriage license.

**Oversight** will reflect an unknown cost from DOC's response.

Officials at the **Department of Conservation** assume an unknown fiscal impact less than \$100,000 due to the requirements of this proposal.

**Oversight** assumes the Department of Conservation can absorb any new duties within existing resources from this proposal and will reflect a \$0 fiscal impact from this proposal.

Officials at the **Missouri State Employees Retirement System (MOSERS)** assume the provisions of this proposal, if enacted, would change law regarding marriage by replacing "marriage licenses" with "contracts of domestic union". From MOSERS perspective, our understanding is that by changing the statutes to reference a contract of domestic union, instead of marriage, that a larger number of members will potentially be covered. Currently, certain death benefits are paid to a member's surviving spouse. Our understanding is that this proposal would apply those death benefits to an individual participating in a contract of domestic union with a MOSERS member and therefore would apply when such MOSERS member is deceased. Therefore, if a larger number of members are provided this benefit, there is a cost to MOSERS.

ASSUMPTION (continued)

There is very little, if any, data to help base an assumption on the number of members that will be covered by a domestic union as compared to married (which is the basis of the current assumption). Assuming the proposed changes translates into MOSERS providing death benefits to more active members than under current law, there will be a cost to MOSERS. However, without a reliable way to anticipate how many more members would be eligible for a surviving spouse benefit under the definition of domestic union, the cost is unknown.

**Oversight** notes the Missouri State Employees Retirement System is not a state agency. This change would only affect state funds if the impact on the System were great enough to affect state contributions to the System.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Office of the Attorney General (AGO)** assume that any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

Officials at the **University of Central Missouri** assume an indeterminate fiscal impact from this proposal.

ASSUMPTION (continued)

Officials at the **Office of the State Courts Administrator**, the **Department of Economic Development**, the **Missouri Consolidated Health Care Plan**, the **Office of Administration**, the **Department of Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Joint Committee on Public Employee Retirement**, the **State Tax Commission**, the **Department of Labor and Industrial Relations**, the **Department of Agriculture**, the **Department of Elementary and Secondary Education**, the **Office of the State Treasurer**, the **Missouri Department of Transportation**, the **Department of Commerce and Insurance**, the **Department of Public Safety**, the **Department of Mental Health** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Local Government Employee Retirement System**, the **Missouri Veterans Commission**, the **Prosecuting Attorneys' and Circuit Attorneys' Retirement System** and the **MoDOT & Patrol Employees' Retirement System** each assumed no fiscal impact to their respective agencies from this proposal.

Officials at the **Kansas City Public School Retirement System**, the **Sheriffs' Retirement System**, the **Kansas City Election Board**, the **State Technical College of Missouri**, the **Platte County Board of Elections**, the **St. Louis County Board of Elections**, the **St. Charles Community College**, the **City of Kansas City**, the **Wellsville-Middletown R-1 School District** and the **Jackson County Election Board** each assume no fiscal impact to their respective entities from this proposal.



<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE</b>			
<u>Costs</u> - DOR ITSD - programming	(\$6,772)	\$0	\$0
<u>Costs</u> - DSS ITSD - programming	(\$57,909)	\$0	\$0
<u>Costs</u> - DOC - supervising offenders at Recorder's Offices	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b>(Could exceed <u>\$64,681</u>)</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
<b>FEDERAL FUNDS</b>			
<u>Income</u> - DSS - Reimbursement for MACSS, FAMIS and MEDES system updates	\$57,909	\$0	\$0
<u>Cost</u> - DSS			
MACSS system changes	(\$9,183)	\$0	\$0
FAMIS system changes	(\$6,566)	\$0	\$0
MEDES system changes	<u>(\$42,160)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs</u>	<u>(\$57,909)</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses involved with weddings could be impacted by this proposal.

## FISCAL DESCRIPTION

This bill changes the laws regarding marriage by replacing "marriage licenses" with "contracts of domestic union".

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

Department of Revenue  
Department of Social Services  
Department of Conservation  
Missouri State Employee Retirement System  
Office of the Attorney General  
University of Central Missouri  
Office of the Secretary of State  
Office of the State Courts Administrator  
Office of Administration  
Department of Health and Senior Services  
MO Consolidated Health Care Plan  
Department of Higher Education and Workforce Development  
Local Government Employee Retirement System  
Missouri Veterans Commission  
Joint Committee on Public Employee Retirement  
State Tax Commission  
Department of Labor and Industrial Relations  
Department of Agriculture  
Department of Elementary and Secondary Education  
Office of the State Treasurer  
Missouri Department of Transportation  
Department of Commerce and Insurance  
Department of Public Safety  
Department of Mental Health  
Department of Corrections  
Office of Prosecution Services  
MoDOT & Patrol Employees' Retirement System  
Kansas City Public School Retirement System  
Sheriffs' Retirement System  
Kansas City Election Board  
State Technical College of Missouri

SOURCES OF INFORMATION (continued)

Platte County Board of Elections  
St. Louis County Board of Elections  
St. Charles Community College  
City of Kansas City  
Wellsville-Middletown R-1 School District  
Jackson County Election Board  
Department of Economic Development  
Missouri Consolidated Health Care Plan



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