

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2460-02  
Bill No.: HB 799  
Subject: Contracts and Contractors; Family Law  
Type: Original  
Date: January 12, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(\$30,000)	\$0	\$0
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$30,000)</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Economic Development - Division of Professional Registration** and the **Office of State Courts Administrator** assume this proposal would not fiscally impact their agency.

Officials from the **Department of Health and Senior Services (DOH)** state this proposal would not be expected to fiscally impact the programmatic activity of DOH. If the proposal were to impact the DOH, funds to support the program would be sought through the appropriations process.

Officials from the **Office of Attorney General (AGO)** assume there would be a one-time cost of approximately \$30,000 to develop a pamphlet providing a full explanation of the terms and conditions of covenant marriages and to print and distribute the pamphlet to recorders of deeds.

Officials from the **County Recorders Offices of Boone, Greene, and Callaway** did not respond to our request for a statement of fiscal impact.

**Oversight** assumes County Recorders may be fiscally impacted by this proposal as they would

ASSUMPTION (continued)

be required to indicate a covenant marriage on marriage certificates and may have persons convert their marriage certificates to covenant marriage certificates. **Oversight** further assumes any additional administrative impact would be offset by an increase in marriage license fees.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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**GENERAL REVENUE**

<u>Costs - Office of Attorney General</u>			
Pamphlet development and printing costs	<u>(\$30,000)</u>	<u>\$0</u>	<u>\$0</u>

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$30,000)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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**COUNTY RECORDERS**

<u>Income - County Recorders</u>			
Covenant marriage certificate fees	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

<u>Costs - County Recorders</u>			
Additional administrative costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<b>ESTIMATED NET EFFECT O COUNTY RECORDERS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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FISCAL IMPACT - Small Business

Small business counseling centers may 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 establishes an alternative to a traditional marriage called a covenant marriage. A covenant marriage requires premarital counseling and limits the spouses' ability to legally separate or dissolve the marriage. In its main provisions, the proposal:

- (1) Requires couples wishing to contract a covenant marriage to execute and file with the marriage license application a declaration of intent. The declaration will contain: (a) A recitation that the parties undertake a covenant marriage with full knowledge of the commitment it requires; (b) An affidavit executed by the parties verifying that they have completed premarital counseling; (c) A notarized attestation executed by the person performing the premarital counseling confirming the parties' completion of counseling; and (d) 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 pursuant to Section 451.090, RSMo, is required also;
- (2) Requires that it be indicated on the marriage license if the parties have undertaken a covenant marriage;
- (3) Requires officers issuing covenant marriage licenses to forward copies of covenant marriage declarations to the State Registrar of vital statistics once a month;
- (4) Allows married couples to 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;
- (5) Prohibits legal separation within a covenant marriage unless the parties first have obtained counseling and then only upon certain specified grounds, including: (a) Adultery; (b) A spouse's commission of a felony with a sentence of imprisonment or death; (c) A spouse's abandonment of the marital domicile for a period of two years; (d) Abuse of the petitioning spouse, a child of one of the spouses, or another relative of one of the spouses living in the home; (e) The spouses' residential separation for a period of two years; and (f) Habitual drunkenness;
- (6) Prohibits dissolution of a covenant marriage unless the parties first have obtained counseling and then only upon certain specified grounds, including: (a) Adultery; (b) A spouse's commission of a felony with a sentence of imprisonment or death; (c) A spouse's abandonment of the marital domicile for a period of two years; (d) Abuse of the petitioning spouse, a child of one of the spouses, or another relative of one of the spouses living in the home; (e) The spouses' residential separation for a period of two years; (f) The spouses' residential separation for a period of two years following a judgment of separation if there is no minor child of the marriage;

DESCRIPTION (continued)

(g) The spouses' residential separation for a period of two years and six months following a judgment of separation if there is a minor child of the marriage. If child abuse was the basis of the judgment of separation, the subsequent required period of residential separation is one year; and (h) Habitual drunkenness or drug abuse by one spouse; and

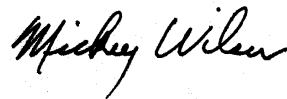
(7) Requires the Attorney General's office to promulgate an information pamphlet entitled "Covenant Marriage Act" outlining the consequences of entering into a covenant marriage. The pamphlet will be available to all counselors who perform covenant marriage premarital counseling.

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

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

**NOT RESPONDING: Records Offices of Boone, Greene, and Callaway Counties**



Mickey Wilson, CPA  
Director  
January 12, 2004