

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3385-01
Bill No.: HB 1234
Subject: Domestic Relations; Misc. Licenses; Courts
Type: Original
Date: April 20, 2010

Bill Summary: The proposal establishes the Marriage Matters Act which modifies the requirements for a dissolution of marriage or legal separation.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
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 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Boone County Recorder of Deeds** assume the proposal would have an impact on the Recorder of Deeds office. Section 45.151.3(1) gives the authority to the Recorder of Deeds to waive collecting the fees set out in subsections 1 and 2 of the act; however, in Section 451.151.4 it still requires the recorder to distribute those same funds to the Children's Trust and the Shelters for Domestic Violence Fund. That would cost the counties if the fees were waived but owed to those agencies.

Officials assume there would be a cost to the recorder to amend individual system software in each county to allow for waiving any fees and subsequent calculations for reports and distributions. Also, the burden of answering questions and explaining the affidavit appears to fall to the recorder's office, which will create a fiscal impact on personnel time. Lastly, there is an undetermined cost to store or archive the affidavit if it is meant to be retained and archived with the marriage license.

Oversight assumes the proposal would result in a reduction of the fees collected for the issuance of a marriage license and for a certified copy of a marriage license. However, county recorders of deeds would still be required to forward fifteen dollars for the issuance of a marriage license and seven dollars for each certified copy of a marriage license to the state Children's Trust Fund and five dollars for the issuance of a marriage license to the county special trust fund that provides financial assistance to shelters for victims of domestic violence for license and copy fees that have been waived as a result of the proposal, pursuant to Section 451.151.4. Therefore, Oversight assumes counties would incur increased costs equal to the waived fees.

Officials from the Circuit Clerks of St. Louis City and Phelps County; Recorder of Deeds of St. Louis City, Greene County, Jackson County, and Laclede County; and the St. Louis Family Court did not respond to Oversight's request for fiscal impact.

FISCAL IMPACT - State Government

FY 2011
(10 Mo.)

FY 2012

FY 2013

\$0

\$0

\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
LOCAL GOVERNMENT			
<u>Costs – Counties</u>			
Waived marriage license and certified copy fees	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation requires the recorder of deeds to waive the filing fee for marriage licenses and the fee for a certified copy of a marriage license if the applicants complete a premarital preparation course as specified in the bill.

Any fee required for the filing of a dissolution of marriage or legal separation involving minor children must be held in trust by the clerk of the court for one year from the date of filing of the petition. If the petition is withdrawn during that period, the entire filing fee will be returned to the petitioner. If it is not withdrawn, the clerk of the court will retain the fee.

If there is a child younger than 21 years of age involved in any dissolution of marriage judgment, the court cannot enter a judgment of dissolution on the grounds that the marriage is irretrievably broken unless a certain specified condition exists.

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 State Courts Administrator
Boone County Recorder of Deeds

NOT RESPONDING

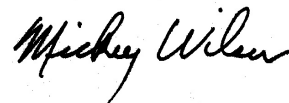
Circuit Clerks

- St. Louis City
- Phelps County

Recorder of Deeds

- St. Louis City
- Greene County
- Jackson County
- Laclede County

St. Louis Family Court



Mickey Wilson, CPA
Director
April 20, 2010