

February 15, 2011

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2254 by Representative Howell, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2254 is respectfully submitted to your committee.

HB 2254 would provide for a covenant marriage as an alternative to a traditional marriage. A covenant marriage would require separate documents of intent and affidavits to be filed with the district court. Existing marriages could be designated as covenant marriages upon the filing of the required documents, affidavit, and fees. The bill would allow a court to grant a divorce or a decree of separate maintenance of a covenant marriage only if specific grounds existed.

The Office of Judicial Administration states that HB 2254 would require the creation of new forms and the modification of existing forms in order to accommodate requests for covenant marriages. New procedures would need to be established for acknowledging and filing covenant marriage license requests and for handling requests to designate an existing marriage as a covenant marriage. New forms and procedures for handling petitions for divorce or separate maintenance would need to be developed and implemented for covenant marriages. In addition, the district court clerks would need training on the new law relating to covenant marriages and the new procedures and filing requirements. While it is clear that the most significant fiscal effect would be the additional time spent by district court clerks, the Office of Judicial Administration cannot accurately predict the number of requests that would be filed as a result of HB 2254. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

The Kansas Department of Health and Environment (KDHE) states that after a couple files for a covenant marriage with the county district court, the court files the license and form with the Office of Vital Statistics for issuance of the marriage certificate. Passage of HB 2254 would require KDHE to add data fields to its information system and create a new document class to accommodate the covenant marriage forms. The agency estimates the cost of this one-

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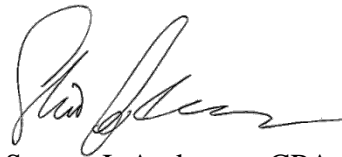
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time system change at \$30,000. In addition, the marriage worksheet, marriage license, and declaration of intent forms for new and existing marriages would have to be revised or created in both English and Spanish. The cost of creating, translating, and distributing forms is estimated at \$2,000. Therefore, the total fiscal effect for KDHE would be additional one-time expenditures of \$32,000 from the agency fee fund.

HB 2254 would require the payment of a covenant marriage license fee not to exceed \$25, which would be set by the Supreme Court. The bill would also require a fee for filing the declaration of intent of a covenant marriage. The amount of this fee would also be set by the Supreme Court and could not exceed \$50. Since the Office of Judicial Administration cannot accurately predict the number of requests that would be filed, a precise estimate of the additional revenue generated from these fees cannot be determined. Any fiscal effect associated with HB 2254 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Pat Kuester, KDHE
Mary Rinehart, Judiciary