Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 154
Bill #: HB 31
Bill Subject/Title: An ACT relating to marriage and making an appropriation therefor.
Sponsor: Rep. David Hale
Unit of Government:CityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
Office(s) Impacted: county clerk offices; judge executive offices
Requirement: <u>x</u> Mandatory Optional
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New <u>x</u> Eliminates Existing

Part II: Purpose and Mechanics

HB 31 creates a new section of KRS Chapter 213 to move marriage licensing and recording duties from county clerks to the state registrar of vital statistics, and to provide for the transfer of existing marriage records. It amends KRS 344.130, 402.050, and 446.350 to exempt persons, officials, and institutions with religious objections to same-sex marriage from any requirement to solemnize such marriages. HB 31 repeals KRS 402.240 which allows county judges/executive to issue marriage licenses in the absence of a county clerk and repeals KRS 402.270 which requires county clerks to distribute marriage manuals.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact is indeterminable and will be minimal.

HB 31 removes county clerks' offices and judge executive offices from all responsibilites relating to marriage licenses. All fees and taxes (12.5% of 4.50 tax, \$1.00 fee for record transfer to state resistrar; \$24.00 license fee) will no longer be received by county clerks. This loss of revenue will be offset by clerks' offices no longer having any responsibilities for the issuing and recording of marriage licenses nor for the maintenance and

distribution of related marriage manuals provided at the time of marriage license application.

There will be unreimbursed costs associated with the requirement to send all marriage license records to the Vital Statistics Division of the Cabinet for Health and Family Services. Also, conceivably, if a county official (authorized to solemnize marriage) refuses to solemnize a same sex marriage as provided for in this bill, there could be a constitutional legal challenge that may involve costs to the county.

Data Source(s):	Kentucky Association of Counties; Kentucky County Clerk's Association;
	Vital Statistics Division of the Kentucky Department for Public Health

Preparer: H. Marks Reviewer:	JWN	Date:	12/23/15
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