## Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission Session

## **Part I: Measure Information**

Bill Request #:
Bill #: HB 572
Bill Subject/Title: An Act relating to domestic relations.
Sponsor: _ Rep. Joseph Fischer
Unit of Government:CityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
Office(s) Impacted: county clerks
Requirement: <u>x</u> Mandatory <u>x</u> 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 572 creates definitions, conditions and requirements for obtaining a "declaration of marriage" and for entering into a "marriage" in Kentucky. The bill also creates definitions, conditions and requirements for obtaining a "matrimony" license, and for entering into a state of "matrimony" in Kentucky. Following new language creating conditions, definitions and requirements for "marriage" and for "matrimony", the word "marriage" is deleted in existing Kentucky Revised Statutes and the word "matrimony" is inserted in lieu thereof. Thus, the bill effectively converts all statutory language relating to "marriage" into statutory language relating to the state of "matrimony" as created by HB 572. The bill provides that "matrimony" may not be entered into by same sex couples. By contrast, "marriage" (as defined by new statutory language and the U.S. Supreme court ruling in Obergefell v. Hodges) may be entered into by couples of different sexes, or by same sex couples.

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

Generally, the fiscal impact of HB 572 would likely be minimal, as the taxes and recording fees for both marriage and matrimony remain the same as in current

**statute as related to "marriage".** However, there may be some indeterminable small costs associated with forms and ordinance approvals relating to separate "declaration of marriage" and "matrimony" licenses.

Conceivably, counties acting on the provisions of this bill could experience costs associated with possible Constitutional challenges related to perceived circumvention of the ruling of the U.S. Supreme Court in Obergefell v. Hodges, or perhaps challenges related to the bill's more broad assertion that Kentucky is a "sovereign state," with an associated right to act independently of federal law.

Data Source(s):	Administrative Office of the Courts; Kentucky Association of Counties;				
	Kentucky Commonwealth Attorney's Association; Kentucky County				
	Attorney's Association; Kentucky County Clerk's Association				

<b>I reparer.</b> 11. Warks <b>Reviewer.</b> J with <b>Date.</b> 3/13/10	<b>Preparer:</b>	H. Marks	<b>Reviewer:</b>	JWN	Date:	3/13/16
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