

SESSION OF 2010

**SUPPLEMENTAL NOTE ON
HOUSE SUBSTITUTE FOR SENATE BILL NO. 310**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for SB 310 would allow for no marriage license fee to be charged in poverty situations. An affidavit would have to be filed by the applicant stating poverty is the reason for the inability to pay a fee.

Background

SB 310, as introduced, would have amended existing law related to placement of sexually violent predators into the community, and would limit the number of predators who could be placed in a county on transitional release or conditional release, to no more than eight. The House Judiciary Committee amended SB 310 by striking the contents of the bill and adopting the text of HB 2585.

In the House Committee, Representative Joe Patton testified in support of HB 2585. No opposition was expressed.

The proponents of HB 2585 appearing in the Senate Committee were Representative Patton and a representative of the Topeka Rescue Mission.

Representatives of the YMCA's Safe Visit Program, Safehome, and the YWCA's Center for Empowerment and Safety appeared as opponents, in addition to written testimony in opposition of the bill from the Kansas National Organization

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

for Women, and the Kansas Coalition Against Sexual and Domestic Violence. The opponents' primary concern was a potential decrease in revenue generated by marriage license fees, because a portion of that revenue is distributed to support domestic violence, sexual assault, and other crime victim services. In response to that concern, the proponents argued that persons eligible to obtain a marriage license pursuant to this law likely would not have been able to afford the license otherwise, such that there would be no loss in revenue.

The Senate Committee voted to table HB 2585, and consequently, the House Committee amended the bill to move the contents of the bill into SB 310, whose original provisions had already been enacted in another bill.

According to the fiscal note for HB 2585, the Office of Judicial Administration states that a precise statement of the bill's fiscal impact cannot be determined, although it could require more of the judge's time for proper review and approval of the poverty affidavit, in addition to adverse affects to the funds that currently receive a portion of marriage license fees. These funds include the Protection from Abuse Fund, the Children and Family Investment Fund, the Crime Victims Assistance Fund, the Judicial Branch Nonjudicial Salary Adjustment Fund, and the State General Fund. Any fiscal effect associated with HB 2585 is not reflected in The FY 2011 Governor's Budget Report.