



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1316

**FINAL
FISCAL NOTE**

Drafting Number: LLS 19-1083 **Date:** July 11, 2019
Prime Sponsors: Rep. Hansen; Landgraf **Bill Status:** Signed into Law
 Sen. Winter; Cooke **Fiscal Analyst:** Aaron Carpenter | 303-866-4918
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Bill Topic: MODERNIZING MARRIAGE LAWS FOR MINORS

Summary of Fiscal Impact:

- State Revenue (*minimal*)
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government (*minimal*)
- Statutory Public Entity

The bill sets the minimum age for marriage at 16, and requires judicial approval of any marriage where a party is under the age of 18. The bill decreases state and local revenue and local expenditures, and increases state expenditures on an ongoing basis.

Appropriation Summary: In FY 2019-20, the bill requires and includes an appropriation of \$59,850 to the Office of the Child's Representative.

Fiscal Note Status: This fiscal note reflects the enacted bill.

**Table 1
State Fiscal Impacts Under HB 19-1316**

	FY 2019-20	FY 2020-21
Revenue	-	-
Expenditure	\$59,850	\$57,600
Transfer	-	-
TABOR Refund	-	-

Summary of Legislation

Under current law, individuals aged 16 and 17 may get married if they have the consent of both parents or gain judicial approval. If the individuals are under the age of 16, they may get married if they have consent of both parents and judicial approval. This bill requires parties to be at least 16 years when getting married and, if under the age of 18, to get judicial approval before being married. When considering a motion for a 16-or-17 year-old to marry, a court must appoint a guardian ad litem to investigate the best interests of the underage party and the guardian ad litem must make recommendations to the court related to the issuance of a marriage license. Finally, the bill establishes rights for a married person under the age of 18.

Assumptions

According to the Colorado Department of Public Health and Environment (CDPHE), from 2012 to 2018, there was an average of 80 marriage licenses per year issued to persons aged 16 or 17. Based on this data, the fiscal note assumes there will be 80 petitions for marriage involving minors per year that will require a guardian ad litem to investigate and make recommendations to the court. In addition, there have been between 0 to 5 marriages for minors under the age of 16 in that same time span. Based on this data, fiscal note assumes that there will be a minimal decrease in marriage licenses due to the prohibition of marriage for persons under the age of 16.

State Revenue

Starting in FY 2019-20, by barring children under the age 16 from marrying and to the extent that the court approves fewer marriage petitions for 16-and 17-year-olds, state cash fund revenue will decrease by a minimal amount. For informational purposes, a marriage license has a \$30 fee, of which \$23 is revenue to the state (\$20 to the Domestic Abuse Program Fund and \$3 to the Vital Statistics Records Cash Fund) and \$7 is retained by counties.

State Expenditures

Starting in FY 2019-20, state General Fund expenditures will increase in the Office of the Child's Representative by \$59,850 in FY 2019-20 and by \$57,600 in FY 2020-21 and on an ongoing basis. In addition, workload in the Judicial Department and the CDPHE will be impacted as described below.

Office of the Child's Representative. Expenditures in the Office of the Child's Representative will increase by \$59,850 in FY 2019-20 and by \$57,600 in FY 2020-21 to provide a guardian ad litem to minors petitioning for a marriage license. This assumes that there will be 80 appointments per year with each appointment requiring 9 hours of work at \$80 per hour. The rate is based on the current Judicial Department contract attorney rate. Costs in FY 2019-20 includes a one-time expense of \$2,250 for software development to modify the case management system. This is based on 15 hours of programming at a rate of \$150 per hour.

Judicial Department. Overall, workload in the Judicial Department will increase for the trial courts to conduct more marriage approval hearings, which are expected to take more time in order to hear recommendations from a guardian ad litem. In addition, workload will minimally decrease for the trial courts since trial courts will no longer be required to conduct hearings concerning marriages under the age of 16. No change in appropriations is required.

Colorado Department of Public Health and Environment. In FY 2019-20 only, workload will increase to update forms for marriage applications. In addition, to the extent there are fewer marriage licenses filed, workload will decrease to the CDPHE. The fiscal note assumes that any change in workload will be minimal and does not require a change in appropriations.

Local Government

Starting in FY 2019-20, local revenue to county clerks will decrease to the extent there are fewer marriage licenses issued by barring children under the age 16 from marrying and to the extent the court approves fewer marriage petitions for 16 and 17 year olds. Based on the assumptions laid out in the Assumption section, the decrease in local revenue is expected to be minimal. Similar to the state, workload will also decrease for county clerks to the extent there are fewer marriage licenses issued. Any decrease in workload is expected to be minimal.

Effective Date

This bill was signed into law by the Governor on May 31, 2019, and takes effect August 2, 2019, assuming no referendum petition is filed. Section 1, 2, and 6 apply to applications for marriage licenses submitted on or after this effective date.

State Appropriations

For FY 2019-20, this bill requires and includes a General Fund appropriation of \$59,850 to the Office of the Child's Representative.

State and Local Government Contacts

Counties	County Clerks
Health Care Policy And Financing	Human Services
Information Technology	Judicial
Public Health And Environment	