

parts, one had to do with marriage fees and the other had to do with birth certificate fees. My amendment does nothing with regard to the birth certificate fees. Whatever revenues were generated by that part of his amendment will continue to be generated. But it cuts out that portion of the amendment that increases the marriage fee so that the marriage fee is not increased and substitutes for that a divorce fee and the divorce fee raises approximately the same amount of money that would have been raised by the increase in the marriage fee. Now I suggested to you earlier, there were a couple of questions raised that I want to answer. First of all, who pays the fees? It is paid by the one who files the petition.

PRESIDENT: (Gavel.) Please lower your conversation level so we can hear the speaker.

SENATOR BEUTLER: As a practical matter, all fees in a divorce become the subject of negotiation between the lawyers representing the adverse parties because the whole bottom line in a divorce is the splitting up of the property and the obligations and the duties, and everything becomes figured into that whole system. So although technically it is paid by the one who files the petition, that may not as a practical matter be the way it ends up in any particular situation. The money is taxed like court costs so that the courts contempt powers are there to be used in order to collect the money so the money is I believe collectible. And then the money goes into the general fund and not into the trust fund so that we don't have earmarking in the manner suggested or opposed by Senator Warner. Now Senator Johnson characterizes this as an increase in court costs but it is not an increase in court costs. It is a fee that is associated with an event, with a divorce. It is associated with the court costs only because that court action is the place where you can logically attach a fee to a divorce. Now if Senator Johnson were talking about a divorce fee as court costs versus no fee at all, I think there would be some substance to what he is saying, but the alternative we are talking about here is a marriage tax, and just as Senator Johnson can argue that one ought to have access to the courts for a minimum or no fee, perhaps one can also argue and one can also argue that one ought to be able to get married without a huge tax on the...taxing the event of marriage. So I really don't see the distinction that Senator Johnson is talking about. In this particular case,