

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 162** SLS 13RS 382

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 13, 2013 8:21 AM	Author: SMITH, GARY
Dept./Agy.: Children and Family Services	Analyst: Patrice Thomas
Subject: Gestational Surrogacy Contracts	

CHILDREN EG SEE FISC NOTE GF EX See Note
Provides for surrogacy contracts. (8/1/13)

In present law, a contract for surrogate motherhood (traditional surrogacy contract) is null, void and unenforceable as well as against public policy. Proposed law repeals present law. Proposed law nullifies a genetic surrogacy contract. Proposed law provides for the enforceability of a gestational surrogacy contract. Proposed law provides that gestational surrogacy contracts may be court approved after record checks by the local sheriff or state police, the Department of Children and Family Services, and the Supreme Court. Proposed law provides, through a court order, that the intended parents shall be recognized as the legal parents before the birth of the child. Proposed law provides that all court proceedings are confidential. Proposed law provides that the DCFS may request a post-birth order from the court if the intended parents fail to do so. Proposed law provides that the court, through a post-birth order, direct the issuance of a new birth certificate and specifies the contents of the birth certificate. Proposed law provides that a party of the gestational surrogacy contract may annul a post-birth order on grounds of fraud or duress.

EXPENDITURES	2013-14	2014-15	2015-16	2016-17	2017-18	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						
REVENUES	2013-14	2014-15	2015-16	2016-17	2017-18	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

This proposed legislation may result an increase in State General Fund expenditures as a result of authorizing the enforceability of gestational surrogacy contracts; however the exact fiscal impact of this legislation on courts is indeterminable. Judicial workload and attendance (presence of judges, magistrates, clerks, bailiffs, counsel, etc.) costs associated with approval and enforceability of gestational surrogacy contracts are indeterminable because it is unknown the number of surrogacy contracts that will be filed.

Also, the proposed legislation requires parties to a gestational surrogacy contract to obtain a records checks from the local sheriff or Office of State Police and the Department of Children and Family Services (DCFS) as well as obtain a new birth certificate from the Department of Health and Hospitals (DHH). Any fees associated with obtaining backgrounds checks and new birth certificates will be the responsibility of the parties to the gestational surrogacy contracts. The Legislative Fiscal Office believes that any additional work associated with this legislation in the departments mention above will be incremental in nature, and that the departments can potentially accomplish these tasks utilizing existing resources and budget authority.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}	<input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S}	
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}	<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	

John D. Carpenter
Legislative Fiscal Officer