

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 27, 2003**

**TO:** Honorable Bill Ratliff, Chair, Senate Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB174** by Nelson (Relating to the confidentiality of information in an application for a marriage license.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 552, Government Code, to restrict public access to information on an application for a marriage license if an individual to whom the information relates chooses to restrict access to the information and notifies the county clerk of that fact in writing using a form provided by the county clerk. The same individual would be allowed to rescind the request by submitting the rescind request in writing to the county clerk. The State Board of Health would be required to prescribe the content of the form to be provided with a marriage license application by a county clerk and furnished by the bureau of vital statistics of the Texas Department of Health. The bill would take effect September 1, 2003 and apply only to marriage license applications filed on or after that date.

The Texas Department of Health estimates that the requirements of the bill as they would impact the agency could be absorbed within existing agency resources.

County clerks in counties of varying population sizes were contacted regarding the provisions of the bill. Midland County, with a population of around 116,000 and an annual budget of \$33 million, indicated costs would be insignificant.

Harris County, with a population of over 3.4 million and an annual budget of approximately \$970 million, indicated the cost for restricting access to information upon written request would be insignificant; however, the county believes that establishing a system whereby the request could be rescinded would be significant. The county cited how the county's system for indexing and imaging records is operated as the reason the latter would be expensive. The county presumes it would have to separate marriage licenses and applications prior to imaging, change indexing of film and digital images to accommodate potential rescission of the public access restriction, and establish a method for moving images between two parallel sets of records, even though the number of rescissions is unpredictable, but is expected to be low. Harris County processes about 36,000 marriage license applications annually.

### **Local Government Impact**

The fiscal impact to counties would vary by county and be dependent upon the type of records system currently in place, the number of marriage license applications received for which confidentiality is requested, and the number of rescissions made. Notwithstanding the concerns expressed by Harris County, the cost is not expected to be significant.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, RR, KF, DLBa