

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 2005

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB1120** by Nixon (Relating to certain requirements relating to an application for a marriage license and an affidavit of an absent applicant for a marriage license and to the maintenance of marriage and divorce indexes by the bureau of vital statistics; providing penalties.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1120, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from VITAL STATISTICS ACCOUNT 19	Probable Revenue Gain from VITAL STATISTICS ACCOUNT 19
2006	(\$75,000)	\$900,000
2007	\$0	\$900,000
2008	\$0	\$900,000
2009	\$0	\$900,000
2010	\$0	\$900,000

Fiscal Analysis

The bill would require the marriage license application form to be amended to include additional statements. The bill would impose an administrative penalty on county clerks who fail to comply with the provisions of the bill. The bill would require county clerks to collect a fee not to exceed \$5 from marriage license applicants and from the parties to a declaration of informal marriage. The fee would be sent to the Bureau of Vital Statistics at the Department of State Health Services (DSHS). The Bureau would be required to update, develop, and maintain the state index of marriage license applications, declarations of informal marriage, and reports of divorce or annulments.

## **Methodology**

According to DSHS, there are approximately 180,000 marriage licenses and declarations of informal marriage filed annually. A fee of \$5 each would generate revenue of \$900,000 per year. DSHS indicates that the cost of modifying the existing Vital Statistics Unit Marriage and Divorce Index Web page to include an online inquiring function would total \$75,000 in 2006.

It is assumed that administrative penalties imposed on county clerks would be negligible, as county clerks would abide by the provisions of the bill.

Rules to administer the provisions of the bill would be adopted by the Health and Human Services Commission. Any costs would be absorbed within existing resources.

## **Technology**

DSHS indicates that the cost of modifying the existing Vital Statistics Unit Marriage and Divorce Index Web page to include an online inquiring function would total \$75,000 in 2006. This would be done utilizing contractors (750 hours at \$100/hour).

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 Department of State Health Services

**LBB Staff:** JOB, LB, KF, LW, KJG