

BILL ANALYSIS

H.B. 3311
By: Martinez, "Mando"
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently under Texas law, local registrars and county clerks are allowed to impose fees for documents that they provide to various requestors. The documents range from birth certificates to death certificates to a wide range of other certificates and/or documents. Fees are charged to cover the cost of providing the document plus to cover other County expenses.

H.B. 3311 allows the local registrars or county clerks in the Lower Rio Grande Valley to charge higher fees than established by the Bureau of Vital Statistics and/or those in the Health and Safety Code for birth, death and marriage certificates so long as the additional amount charged is used for certain services. This bill is bracketed for counties with a population of 570,000 or more which are located in the Lower Rio Grande Valley adjacent to Mexico. These fee increases will allow the County to offset the expenses associated with certain services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3311 amends the Health and Safety Code to provide that a county clerk in a county with a population of 570,000 or more, and any part of which is located within the Lower Rio Grande Valley adjacent to an international border, is authorized to charge a fee for the issuance of a certified copy of a birth certificate or death certificate that exceeds the fee charged by the bureau of vital statistics for the same type of certificate. The fee charged is not authorized to exceed: (1) for a birth certificate, \$2 more than the fee charged by the bureau of vital statistics; and (2) for a death certificate, \$4 more than the fee charged by the bureau of vital statistics.

Furthermore, the bill amends the Local Government Code to provide that a county clerk in a county with a population of 570,000 or more, and any part of which is located within the Lower Rio Grande Valley adjacent to an international border, is authorized to collect the following fees for services rendered to any person: (1) Birth or Death Certificate so long as the amount does not exceed the amount provided in the Health and Safety Code; (2) Marriage License \$33.00; and (3) Declaration of Informal Marriage \$28.00.

A county that decides to collect a fee under this bill is required to designate the additional fee as follows: (1) \$2 of the fee for a birth certificate for the county to use in providing: (A) child abuse services; and (B) health care for indigent children with cancer; (2) \$4 of the fee for a death certificate for the county to use in providing burial services of indigent persons; and (3) \$3 of the fee for a marriage license or declaration of informal marriage for the county to use in providing domestic violence and child abuse services.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.