

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 6, 2007**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

**IN RE: SB47** by Nelson (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.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB47, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

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)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2008        | \$0  |
| 2009        | \$0  |
| 2010        | \$0  |
| 2011        | \$0  |
| 2012        | \$0  |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable (Cost) from<br><i>VITAL STATISTICS</i><br><i>ACCOUNT</i><br>19 | Probable Revenue Gain<br>from<br><i>VITAL STATISTICS</i><br><i>ACCOUNT</i><br>19 | Probable Revenue (Loss)<br>from<br><i>VITAL STATISTICS</i><br><i>ACCOUNT</i><br>19 |
|-------------|---|--|--|
| 2008        | (\$210,000)   | \$892,000  | (\$61,974)   |
| 2009        | (\$10,000)  | \$892,000  | (\$61,974)   |
| 2010        | (\$10,000)  | \$892,000  | (\$61,974)   |
| 2011        | (\$10,000)  | \$892,000  | (\$61,974)   |
| 2012        | (\$10,000)  | \$892,000  | (\$61,974)   |

## **Fiscal Analysis**

The bill would require the marriage license application and the affidavit of absent applicant to be amended to include additional statements. The bill would require county clerks to collect a fee, not to exceed \$5, from a marriage license applicant and from the parties to a declaration of informal marriage. The fees would be sent to the bureau of vital statistics of the Department of State Health Services (DSHS) for updating, developing, and maintaining state indexes. The bill would require the DSHS to make state indexes of marriage license applications, declarations of informal marriage, divorce reports, and annulment reports available on its website. The bill would also require DSHS to enhance the search capabilities of its database of marriage information. The bill would require the Executive Commissioner of the Health and Human Services Commission (HHSC) to adopt rules to administer the provisions of the bill. HHSC indicates the rules could be developed using existing resources.

The effective date is September 1, 2007.

## **Methodology**

DSHS estimates a net revenue gain of \$830,026 in General Revenue-Dedicated Funds per fiscal year as a result of the bill. According to DSHS, approximately 178,400 marriage licenses and declarations of informal marriage were filed in 2006. Assuming 2006 filings, a fee of \$5 per filing would generate revenue of \$892,000 per year. It is assumed the revenue would be deposited in General Revenue-Dedicated Account 19, Vital Statistics. DSHS estimates an offsetting revenue loss of approximately \$61,974 per fiscal year. Currently, DSHS charges a search fee of \$20 per marriage and divorce verification request. DSHS processed 3,443 verifications in 2006 for a revenue gain of \$68,860. DSHS estimates future verification requests of 10 percent of the current volume due to making marriage and divorce indexes searchable online.

## **Technology**

DSHS estimates one-time technology costs of \$210,000 in General Revenue-Dedicated Funds in fiscal year 2008. This includes \$150,000 to replace the existing marriage data system to allow for search functionality and data modifications and \$60,000 to modify the existing Vital Statistics Unit Marriage and Divorce Index Web page to include an online inquiring function. In addition, DSHS estimates ongoing costs of \$10,000 in General Revenue-Dedicated Funds per fiscal year to maintain the state indexes. DSHS would utilize contractors for these projects at a rate of \$100 per hour.

## **Local Government Impact**

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

**Source Agencies:** 529 Health and Human Services Commission, 537 State Health Services, Department of, 304 Comptroller of Public Accounts

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