

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

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

**March 9, 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 the issuance of a marriage license or the recording of a declaration of informal marriage and to the maintenance of marriage and divorce indexes by the bureau of vital statistics. ), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB47, Committee Report 1st House, Substituted: 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) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

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

Fiscal Year	Probable (Cost) from <i>VITAL STATISTICS</i> <i>ACCOUNT</i> 19	Probable Revenue Gain from <i>VITAL STATISTICS</i> <i>ACCOUNT</i> 19	Probable Revenue (Loss) from <i>VITAL STATISTICS</i> <i>ACCOUNT</i> 19
2008	(\$260,000)	\$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 county clerks, effective January 1, 2009, to verify, using the online state index maintained by the Bureau of Vital Statistics of the Department of State Health Services (DSHS), that neither person listed on a marriage license application or a form for declaration of informal marriage is listed in the index as being presently married; no marriage license may be issued, nor certification of declaration of informal marriage provided, if the clerk finds that an applicant is listed in the index as being presently married to a person other than to other applicant unless proof of divorce or annulment is provided. This requirement would apply only to applications for marriage license filed or a

declaration of informal marriage executed on or after January 1, 2009.

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 at DSHS for updating, developing, and maintaining state indexes. The bill would require 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 no later than January 1, 2009. The indexes must provide county clerks with access to identifying information necessary to verify that an applicant for a marriage license is listed on the index; any confidential identifying information maintained on the index for use by a county clerk must be secure and not accessible by members of the public.

The Executive Commissioner of the Health and Human Services Commission would be required to adopt rules to administer the provisions of the bill.

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 \$260,000 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, \$60,000 to modify the existing Vital Statistics Unit Marriage and Divorce Index Web page to include an online inquiring function, and \$50,000 to secure confidential identifying information. 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**

County clerks' offices could incur some extra personnel costs because of the time taken to verify the marital status of applicants before issuing the license. More time taken with each applicant could result in longer wait times for citizens. These costs are dependent on the number of applicants for marriage and informal marriage in each county.

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

**LBB Staff:** JOB, LR, KJG, MN, PP, SSt