

SENATE AMENDMENTS

2nd Printing

By: Chisum, Flynn, Zedler, Davis of Harris,
Brown of Kaufman, et al.

H.B. No. 2685

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain requirements for issuance of a marriage
3 license, including an optional premarital education course.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2.013, Family Code, is amended to read as
6 follows:

7 Sec. 2.013. PREMARITAL EDUCATION COURSES [~~REQUIREMENTS,~~
8 ~~WAIVER~~]. (a) Each person applying for a marriage license is
9 encouraged to attend a premarital education course of at least
10 eight [~~four~~] hours during the year preceding the date of the
11 application for the license.

12 (b) [~~The course under Subsection (a) may be completed by:~~
13 [~~(1) personal instruction,~~
14 [~~(2) videotape instruction,~~
15 [~~(3) instruction through an electronic medium, or~~
16 [~~(4) a combination of these methods.~~

17 [~~(c)~~] A premarital education course must [~~should~~] include
18 instruction in:

19 (1) conflict management;
20 (2) communication skills;
21 (3) family violence and its destructive effects on the
22 family [~~children and parenting responsibilities~~]; and
23 (4) early childhood development and parenting
24 [~~financial responsibilities~~].

1 (c) [~~d~~] A course under this section should be offered by
2 instructors trained and certified in a skill-based marriage
3 preparation curricula. The following individuals and
4 organizations may provide courses:

5 (1) marriage educators [~~a mental health professional~~
6 ~~who holds at least a master's degree with a background in family~~
7 ~~therapy]; [~~or~~]~~

8 (2) clergy or their designees;

9 (3) licensed mental health professionals;

10 (4) faith-based organizations; and

11 (5) community-based organizations [~~a religious~~
12 ~~practitioner who performs counseling consistent with the laws of~~
13 ~~this state or another person designated as a program counselor by a~~
14 ~~church or religious institution].~~

15 (d) The curricula of a premarital education course must meet
16 the requirements of this section and provide the skill-based and
17 research-based curricula of:

18 (1) the United States Department of Health and Human
19 Services healthy marriage initiative;

20 (2) the Coalition for Marriage, Family, and Couples
21 Education; or

22 (3) other similar resources.

23 (e) [~~Each county clerk may maintain a roster of area course~~
24 ~~providers who meet the requirements of this section, including~~
25 ~~providers who offer the course on a sliding scale or without charge.~~
26 ~~The clerk may provide a copy of the roster on request to an~~
27 ~~applicant for a marriage license.~~

1 ~~[(f)]~~ An applicant for a marriage license who takes a course
2 under this section shall pay any fee charged for the course. An
3 applicant who is unable to pay the course fee may apply for a
4 scholarship under this subsection. The executive commissioner of
5 health and human services by rule shall provide for the
6 establishment of a scholarship program funded by money available
7 under the federal Temporary Assistance for Needy Families block
8 grant during each state fiscal biennium to fund programs that
9 support the development of healthy marriages or strengthen
10 families. The executive commissioner shall establish guidelines
11 that use a sliding scale if practicable. In awarding scholarships,
12 the Health and Human Services Commission shall give equal
13 consideration to courses provided by secular and faith-based
14 programs.

15 (f) ~~[(g)]~~ A person who provides a premarital education
16 course shall provide a signed and dated completion certificate to
17 each individual who completes the course. The certificate must
18 include the name of the course, the name of the course provider, and
19 the completion date ~~[seeks to be listed as a course provider on a~~
20 ~~list maintained under Subsection (e) shall notify the county clerk~~
21 ~~of the county in which the person intends to offer a course. The~~
22 ~~notification must include the applicant's professional license~~
23 ~~number or evidence of the person's position or affiliation with a~~
24 ~~church or religious institution, as appropriate, and an address at~~
25 ~~which the course provider may be contacted].~~

26 SECTION 2. Section 2.204(b), Family Code, is amended to
27 read as follows:

1 (b) The 72-hour waiting period after issuance of a marriage
2 license does not apply to an applicant who:

3 (1) is a member of the armed forces of the United
4 States and on active duty;

5 (2) is not a member of the armed forces of the United
6 States but performs work for the United States Department of
7 Defense as a department employee or under a contract with the
8 department; ~~[or]~~

9 (3) obtains a written waiver under Subsection (c); or

10 (4) completes a premarital education course described
11 by Section 2.013, and who provides to the county clerk a premarital
12 education course completion certificate indicating completion of
13 the premarital education course not more than one year before the
14 date the marriage license application is filed with the clerk.

15 SECTION 3. Section 31.015, Human Resources Code, is amended
16 by adding Subsection (g) to read as follows:

17 (g) The healthy marriage trust fund account is an account in
18 the general revenue fund that may be appropriated only to the Health
19 and Human Services Commission for the purposes and activities
20 authorized by this section and for reasonable administrative
21 expenses under this section. The account is exempt from the
22 application of Section 403.095, Government Code. The account
23 consists of:

24 (1) all money appropriated for the purposes of this
25 section;

26 (2) any gifts, grants, or donations received for the
27 purposes of this section; and

1 (3) interest earned on money in the account.

2 SECTION 4. Section 118.018, Local Government Code, is
3 amended by amending Subsections (a) and (c) and adding Subsections
4 (a-1) and (b-1) to read as follows:

5 (a) The fee for "Marriage License" under Section 118.011 is
6 for issuing a marriage license. The fee must be paid at the time the
7 license is issued, except as provided by Subsection (b-1).

8 (a-1) If the marriage license fees collected by a county do
9 not cover the costs the county incurs in issuing marriage licenses,
10 the state shall pay the county the amount of the deficiency.

11 (b-1) The county clerk shall issue a marriage license
12 without collecting a fee from an applicant who:

13 (1) completes a premarital education course described
14 by Section 2.013, Family Code; and

15 (2) provides to the county clerk a premarital
16 education course completion certificate indicating completion of
17 the premarital education course not more than one year before the
18 date the marriage license application is filed with the clerk.

19 (c) A county clerk who collects a fee under this section
20 from a marriage license applicant shall deposit \$6 [~~\$3~~] of that fee
21 to be sent to the comptroller as provided by Subchapter B, Chapter
22 133, for deposit in the family trust fund established under Section
23 2.014, Family Code.

24 SECTION 5. Section 118.022, Local Government Code, is
25 amended to read as follows:

26 Sec. 118.022. DISPOSITION OF MARRIAGE LICENSE AND
27 DECLARATION FEES. (a) If the county clerk collects a fee for

1 issuing a marriage license, the [~~The~~] county clerk shall deposit,
2 as provided by Subchapter B, Chapter 133:

3 (1) \$12 [~~, \$12.50~~] of each fee collected for issuing
4 [~~issuance of~~] a marriage license or \$12.50 of each fee for recording
5 a declaration of informal marriage to be sent to the comptroller and
6 deposited as provided by Subsection (b);

7 (2) \$12 of each fee collected for issuing a marriage
8 license to be sent to the comptroller and deposited as provided by
9 Subsection (c); and

10 (3) \$6 of each fee collected for issuing a marriage
11 license to be sent to the comptroller and deposited as provided by
12 Subsection (d).

13 (b) The comptroller shall deposit the money received under
14 Subsection (a)(1) [~~this section~~] to the credit of the child abuse
15 and neglect prevention trust fund account established under Section
16 40.105, Human Resources Code.

17 (c) The comptroller shall deposit the money received under
18 Subsection (a)(2) to the credit of the healthy marriage trust fund
19 account established under Section 31.015(g), Human Resources Code.

20 (d) The comptroller shall deposit the money received under
21 Subsection (a)(3) to the credit of the family trust fund account
22 established under Section 2.014, Family Code.

23 SECTION 6. This Act takes effect September 1, 2007.

ADOPTED

MAY 11 2007

Haley Spaw
Secretary of the Senate

By: Chisum / ESTES

H.B. No. 2685

Substitute the following for H.B. No. 2685:

By: Dewell

C.S. H.B. No. 2685

A BILL TO BE ENTITLED

AN ACT

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2 relating to certain requirements for issuance of a marriage
3 license, including an optional premarital education course.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2.013, Family Code, is amended to read
6 as follows:

7 Sec. 2.013. PREMARITAL EDUCATION COURSES [~~REQUIREMENTS,~~
8 ~~WAIVER~~]. (a) Each person applying for a marriage license is
9 encouraged to attend a premarital education course of at least
10 eight [~~four~~] hours during the year preceding the date of the
11 application for the license.

12 (b) [~~The course under Subsection (a) may be completed by:~~
13 [~~(1) personal instruction,~~
14 [~~(2) videotape instruction,~~
15 [~~(3) instruction through an electronic medium, or~~
16 [~~(4) a combination of these methods.~~

17 [~~(c)~~] A premarital education course must [~~should~~] include
18 instruction in:

19 (1) conflict management;
20 (2) communication skills; and
21 (3) the key components of a successful marriage
22 [~~children and parenting responsibilities, and~~
23 [~~(4) financial responsibilities~~].

24 (c) [~~(d)~~] A course under this section should be offered by

1 instructors trained in a skills-based and research-based marriage
2 preparation curricula. The following individuals and
3 organizations may provide courses:

4 (1) marriage educators [~~a mental health professional~~
5 ~~who holds at least a master's degree with a background in family~~
6 ~~therapy~~]; [~~or~~]

7 (2) clergy or their designees;

8 (3) licensed mental health professionals;

9 (4) faith-based organizations; and

10 (5) community-based organizations [~~a religious~~
11 ~~practitioner who performs counseling consistent with the laws of~~
12 ~~this state or another person designated as a program counselor by a~~
13 ~~church or religious institution].~~

14 (d) The curricula of a premarital education course must meet
15 the requirements of this section and provide the skills-based and
16 research-based curricula of:

17 (1) the United States Department of Health and Human
18 Services healthy marriage initiative;

19 (2) the National Healthy Marriage Resource Center;

20 (3) criteria developed by the Health and Human
21 Services Commission; or

22 (4) other similar resources.

23 (e) The Health and Human Services Commission shall maintain
24 an Internet website on which individuals and organizations
25 described by Subsection (c) may electronically register with the
26 commission to indicate the skills-based and research-based
27 curriculum in which the registrant is trained [~~Each county clerk~~]

1 ~~may maintain a roster of area course providers who meet the~~
2 ~~requirements of this section, including providers who offer the~~
3 ~~course on a sliding scale or without charge. The clerk may provide~~
4 ~~a copy of the roster on request to an applicant for a marriage~~
5 ~~license].~~

6 (f) ~~[An applicant for a marriage license who takes a course~~
7 ~~under this section shall pay any fee charged for the course.~~

8 ~~[-g)]~~ A person who provides a premarital education course
9 shall provide a signed and dated completion certificate to each
10 individual who completes the course. The certificate must include
11 the name of the course, the name of the course provider, and the
12 completion date ~~[seeks to be listed as a course provider on a list~~
13 ~~maintained under Subsection (e) shall notify the county clerk of~~
14 ~~the county in which the person intends to offer a course. The~~
15 ~~notification must include the applicant's professional license~~
16 ~~number or evidence of the person's position or affiliation with a~~
17 ~~church or religious institution, as appropriate, and an address at~~
18 ~~which the course provider may be contacted].~~

19 SECTION 2. Section 2.204(b), Family Code, is amended to
20 read as follows:

21 (b) The 72-hour waiting period after issuance of a marriage
22 license does not apply to an applicant who:

23 (1) is a member of the armed forces of the United
24 States and on active duty;

25 (2) is not a member of the armed forces of the United
26 States but performs work for the United States Department of
27 Defense as a department employee or under a contract with the

1 department; [~~or~~]

2 (3) obtains a written waiver under Subsection (c); or

3 (4) completes a premarital education course described
4 by Section 2.013, and who provides to the county clerk a premarital
5 education course completion certificate indicating completion of
6 the premarital education course not more than one year before the
7 date the marriage license application is filed with the clerk.

8 SECTION 3. Section 118.011(a), Local Government Code, is
9 amended to read as follows:

10 (a) A county clerk shall collect the following fees for
11 services rendered to any person:

12 (1) Personal Property Records Filing (Sec. 118.012):
13 for the first page \$ 5.00
14 for each additional page or part of a page on which
15 there are visible marks of any kind \$ 4.00

16 (2) Real Property Records Filing (Sec. 118.013):
17 for the first page \$ 5.00
18 for each additional page or part of a page on which
19 there are visible marks of any kind \$ 4.00

20 for all or part of each 8-1/2" X 14" attachment or
21 rider \$ 4.00
22 for each name in excess of five names that has to be
23 indexed in all records in which the document must be
24 indexed \$ 0.25

25 (3) Certified Papers (Sec. 118.014):
26 for the clerk's certificate \$ 5.00
27 plus a fee for each page or part of a page \$ 1.00

- 1 (4) Noncertified Papers (Sec. 118.0145):
- 2 for each page or part of a page. \$ 1.00
- 3 (5) Birth or Death Certificate (Sec.
- 4 118.015) same as state registrar
- 5 (6) Bond Approval (Sec. 118.016) \$ 3.00
- 6 (7) Marriage License (Sec. 118.018) . . \$60.00 [~~\$30.00~~]
- 7 (8) Declaration of Informal Marriage (Sec.
- 8 118.019) \$25.00
- 9 (9) Brand Registration (Sec. 118.020) \$ 5.00
- 10 (10) Oath Administration (Sec. 118.021) . . \$ 1.00

11 SECTION 4. Section 118.018, Local Government Code, is
 12 amended by amending Subsection (a) and adding Subsection (b-1) to
 13 read as follows:

14 (a) The fee for "Marriage License" under Section 118.011 is
 15 for issuing a marriage license. The fee must be paid at the time the
 16 license is issued, except as provided by Subsection (b-1).

17 (b-1) The county clerk shall issue a marriage license
 18 without collecting a marriage license fee from an applicant who:

19 (1) completes a premarital education course described
 20 by Section 2.013, Family Code; and

21 (2) provides to the county clerk a premarital
 22 education course completion certificate indicating completion of
 23 the premarital education course not more than one year before the
 24 date the marriage license application is filed with the clerk.

25 SECTION 5. Section 118.022, Local Government Code, is
 26 amended to read as follows:

27 Sec. 118.022. DISPOSITION OF MARRIAGE LICENSE AND

1 DECLARATION FEES. (a) If the county clerk collects a fee for
2 issuing a marriage license, the [The] county clerk shall deposit,
3 as provided by Subchapter B, Chapter 133:

4 (1) \$20 [~~7~~, ~~\$12.50~~] of each fee collected for issuing
5 [issuance of] a marriage license or \$12.50 of each fee for recording
6 a declaration of informal marriage to be sent to the comptroller and
7 deposited as provided by Subsection (b); and

8 (2) \$10 of each fee collected for issuing a marriage
9 license to be sent to the comptroller and deposited as provided by
10 Subsection (c).

11 (b) The comptroller shall deposit the money received under
12 Subsection (a)(1) [~~this section~~] to the credit of the child abuse
13 and neglect prevention trust fund account established under Section
14 40.105, Human Resources Code.

15 (c) The comptroller shall deposit the money received under
16 Subsection (a)(2) to the credit of the family trust fund account
17 established under Section 2.014, Family Code.

18 SECTION 6. Section 118.018(c), Local Government Code, is
19 repealed.

20 SECTION 7. This Act takes effect September 1, 2008.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: HB2685 by Chisum (Relating to certain requirements for issuance of a marriage license, including an optional premarital education course.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2685, Committee Report 2nd House, Substituted: a positive impact of \$1,554,310 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	\$1,554,310
2010	\$1,505,850
2011	\$1,505,090
2012	\$1,504,360

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>FEDERAL FUNDS</i> 555	Probable Revenue Gain from <i>GENERAL REVENUE</i> <i>FUND</i> 1	Probable Revenue Gain from <i>CHILD</i> <i>ABUSE/NEGLECT</i> <i>OPER</i> 5084	Change in Number of State Employees from FY 2007
2008	\$0	\$0	\$0	0.0
2009	(\$1,021,097)	\$1,554,310	\$1,165,733	1.0
2010	(\$838,097)	\$1,505,850	\$1,129,388	1.0
2011	(\$835,503)	\$1,505,090	\$1,128,818	1.0
2012	(\$835,023)	\$1,504,360	\$1,128,270	1.0

Fiscal Analysis

The bill would amend Chapter 2 of the Family Code and Chapter 118 of the Local Government Code to modify the rules relating to premarital education courses.

Upon completion of a premarital education course, applicants for a marriage license would be granted an exemption from the 72-hour waiting period and from the marriage license fee.

The bill would amend the Local Government Code to increase the fee for a marriage license from \$30 to \$60 and would establish distribution of collected marriage fees. It would direct a county that

collects a marriage license fee to deposit \$20 to the Child Abuse and Neglect Prevention Trust Fund and \$13 (\$10 increase) to the Family Trust Fund. It is assumed that local governments would retain the remaining \$27 (\$12.50 increase) per license. This would result in a revenue gain of approximately \$1.9 million per year for local governments.

The fiscal impact to Temporary Assistance for Needy Families (TANF) Federal Funding would result from 1) the requirement to maintain an internet website to register trained marriage educators; 2) the Health and Human Services Commission (HHSC) program staff required to maintain the database; and 3) the contract for providing information to the public regarding available courses and verification that the courses provided meet applicable standards. The cost to implement these portions of the bill is included above as TANF. However, if insufficient TANF funding is available, funding may need to be re-directed from existing programs or the program may not be implemented.

The bill would take effect September 1, 2008.

Methodology

Internet website/database: HHSC estimates the cost of database development and deployment to be approximately \$600,000 in fiscal year 2009, with ongoing costs of \$60,000 per year. HHSC estimates a need for one Program Specialist V per year. All costs for this FTE are assumed to be less than \$80,000 per fiscal year. The contracted services are estimated to cost approximately \$0.3 million in fiscal year 2008, and \$0.7 million in fiscal years 2009 through 2012.

Local Marriage License Revenue: It is assumed that of the 178,000 annual licenses issued per year, local governments would charge a fee for 155,431 licenses issued in FY 2009 (first year the bill would be effective). This figure reflects a 13 percent reduction to account for an estimate of the number of people who would choose to take the marriage education course, and thus be exempted from the fee for a marriage license.

Due to the bill's requirements for county governments to deposit \$33 to the state (\$17.50 in new revenue) for each \$60 marriage license issued, there is an expected revenue gain (\$12.50 per license) at the local level of approximately \$1.9 million per year.

Technology

Seat management (included above) at a cost of \$905 starting in fiscal year 2009 would be required for the FTE at HHSC.

Local Government Impact

It is anticipated that local governments would gain \$12.50 of the total per marriage license fee (\$60), resulting in a \$1.9 million per year revenue gain. This gain is not considered to be significant on a per county basis.

Source Agencies: 304 Comptroller of Public Accounts, 529 Health and Human Services Commission
LBB Staff: JOB, SD, CL, KJG, PP, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 30, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: **HB2685** by Chisum (Relating to certain requirements for issuance of a marriage license, including an optional premarital education course.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2685, As Engrossed: a positive impact of \$153,007 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	\$77,715
2009	\$75,292
2010	\$75,254
2011	\$75,218
2012	\$75,182

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>FEDERAL FUNDS</i> 555	Probable Revenue Gain from <i>New GR Account- Healthy Marriage Trust Fund</i>	Probable Revenue Gain from <i>GENERAL REVENUE FUND</i> 1	Probable (Cost) from <i>GENERAL REVENUE FUND</i> 1
2008	(\$2,106,724)	\$1,865,172	\$1,398,879	(\$3,186,336)
2009	(\$4,233,124)	\$1,807,020	\$1,355,265	(\$3,086,993)
2010	(\$4,265,956)	\$1,806,108	\$1,354,581	(\$3,085,435)
2011	(\$4,297,492)	\$1,805,232	\$1,353,924	(\$3,083,938)
2012	(\$4,328,596)	\$1,804,368	\$1,353,276	(\$3,082,462)

Fiscal Year	Probable Revenue (Loss) from <i>CHILD ABUSE/NEGLECT OPER</i> 5084	Change in Number of State Employees from FY 2007
2008	(\$77,716)	0.5
2009	(\$75,293)	1.0
2010	(\$75,255)	1.0
2011	(\$75,218)	1.0
2012	(\$75,182)	1.0

Fiscal Analysis

The bill would amend Chapter 2 of the Family Code and Chapter 118 of the Local Government Code to modify the rules relating to premarital education courses.

The bill would require the Health and Human Services Commission (HHSC) to establish a scholarship program from monies available under the federal Temporary Assistance for Needy Families (TANF) block grant to aid applicants who are unable to pay the premarital education course fee.

Upon completion of premarital education course, applicants for a marriage license would be granted an exemption from the 72-hour waiting period and from the marriage license fee.

The bill would establish the Healthy Marriage Trust Fund Account in the General Revenue Fund.

The bill would amend the Local Government Code to establish distribution of collected marriage fees. It would direct a county that collects a marriage license fee (\$30) to deposit \$12 to the Child Abuse and Neglect Prevention Trust Fund, \$12 to the Healthy Marriage Trust Fund, and \$12 to the Family Trust Fund. If the marriage license fees collected by a county do not cover their costs, the state would pay the county the amount of the deficiency.

The fiscal impact to Temporary Assistance for Needy Families (TANF) Federal Funding would result from 1) the requirement to provide scholarships to those unable to pay for the premarital education course; 2) the Health and Human Services Commission (HHSC) program staff required to oversee the scholarship program; and 3) the contract for determining eligibility, tracking the scholarship payments, providing information and reporting, and verification that the courses provided meet applicable standards. The cost to implement these portions of the bill is included above as TANF. However, if insufficient TANF funding is available, funding may need to be re-directed from existing programs or the program may not be implemented.

The bill would also adjust the allocation of marriage license fee revenue, shifting all of the existing \$30 fee to the state and eliminating the current \$14.50 share for local governments. This would result in a net revenue gain to the state of approximately \$3.1 million per year. Revenue would be allocated to two GR accounts and one GR-Dedicated account (detailed above). Local governments would experience a revenue loss of \$2.2 million per year.

Additionally, the bill would appear to require local governments to remit to the state \$36 per marriage license. This would create a local deficit of \$0.9 million per year. However, Section 4 of the bill would require the state to "pay the county the amount of the deficiency" associated with the costs the county incurs issuing marriage licenses. Therefore, it is assumed that the state would pay local governments (cumulatively) \$3.1 million per year, thus covering all of their expenses.

The Comptroller of Public Accounts states that the amount of marriage license application fees collected could drop depending on the number of marriage license applicants who elect to take the eight-hour premarital education course.

The bill would take effect September 1, 2007

Methodology

Scholarships: HHSC estimates the cost of the course to be approximately \$360 per person (8 hours x \$45 per hour). The number of low-income people who may be eligible for the scholarships is estimated as the number of marriages annually for people in poverty multiplied by a 25 percent participation rate, which would result in the following number of people requiring financial assistance for fiscal years 2008-2012: 4,769, 9,615, 9,691, 9,764 and 9,836. The estimate for fiscal year 2008 assumes a phase-in due to time required to draft rules and develop the program. Multiplying the number of people times the cost per person results in a cost of \$1.7 million in fiscal year 2008 and \$3.5 million in fiscal years 2009 through 2012.

HHSC estimates a need for one Program Specialist V per year. The cost of this FTE is assumed for one-half year in fiscal year 2008. All costs for this FTE are assumed to be less than \$80,000 per fiscal

year. The contracted services are estimated to cost approximately \$0.3 million in fiscal year 2008, and \$0.7 million in fiscal years 2009 through 2012.

Local Marriage License Revenue: It is assumed that of the 178,000 annual licenses issued per year, 155,431 licenses would be issued in FY 2008. This figure is reduced by 10 percent for people who are not in poverty and choose to take the course and is adjusted for the number of persons taking the course outlined above.

Due to the bill's requirements for county governments to deposit \$36 to the state (\$20.50 in new revenue) for each \$30 marriage license issued, there is an expected deficit at the local level of approximately \$0.9 million per year. The bill's provision (Sec. 118.018 (a-1) Local Government Code) stating that if license fees collected do not cover a county's costs to issue licenses, the state will pay the amount of the deficiency would mean a cost to the state. It is assumed that the \$14.50 per license that the local governments currently retain is the amount of the deficiency, since these funds are re-directed under the bill. This cost would be \$2.2 million per year.

Technology

Seat management (included above) at a cost of \$905 per fiscal year would be required for the FTE at HHSC.

Local Government Impact

It is anticipated that local governments would lose their current share (\$14.50) of the total per marriage license fee (\$30), resulting in a \$2.2 million per year revenue loss. Additionally, local governments would be required to deposit to the state an additional \$6 per marriage license, creating a deficit of \$0.9 million per year. The state would offset this negative fiscal impact by paying local governments approximately \$3.2 million per year.

Source Agencies: 304 Comptroller of Public Accounts, 529 Health and Human Services Commission

LBB Staff: JOB, CL, KJG, PP, MB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 26, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

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

IN RE: HB2685 by Chisum (Relating to certain requirements for issuance of a marriage license, including an optional premarital education course.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2685, 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.

The bill would amend Chapter 2 of the Family Code and Chapter 118 of the Local Government Code to modify the rules relating to premarital education courses.

The bill would refine the content of the courses, the methods of completion, the duration of the course, the qualifications of instructors, and marriage license benefits.

The bill would require the Health and Human Services Commission (HHSC) to establish a scholarship program from monies available under the federal Temporary Assistance for Needy Families (TANF) block grant to aid applicants who are unable to pay the premarital education course fee.

Upon completion of premarital education course, applicants for a marriage license would be granted an exemption from the 72-hour waiting period and from the marriage license fee.

The bill would amend the Local Government Code to establish distribution of collected marriage fees.

This bill would take effect September 1, 2007.

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>FEDERAL FUNDS</i> 555	Change in Number of State Employees from FY 2007
2008	(\$2,106,724)	0.5
2009	(\$4,233,124)	1.0
2010	(\$4,265,956)	1.0
2011	(\$4,297,492)	1.0
2012	(\$4,328,596)	1.0

Fiscal Analysis

The fiscal impact would result from 1) the requirement to provide scholarships to those unable to pay for the premarital education course; 2) the Health and Human Services Commission (HHSC) program staff required to oversee the scholarship program; and 3) the contract for determining eligibility, tracking the scholarship payments, providing information and reporting, and verification that the courses provided meet applicable standards.

The Comptroller of Public Accounts states that depending on the number of marriage license applicants who elect to take the eight-hour premarital education course, the amount of marriage license application fees collected could drop. With an increase to the marriage license fee of \$30, a decrease of any number less than 88,000 would result in a significant positive impact to state and local funds. However, since the number of marriage applicants who would elect to take the course and the number of scholarships awarded cannot be estimated, the fiscal impact cannot be estimated.

The cost to implement the bill is included above as Temporary Assistance for Needy Families (TANF) Federal Funding. However, if insufficient TANF funding is available, funding may need to be re-directed from existing programs or the program may not be implemented.

Methodology

HHSC estimates the cost of the course to be approximately \$360 per person (8 hours x \$45 per hour). The number of low-income people who may be eligible for the scholarships is estimated as the number of marriages annually for people in poverty multiplied by a 25 percent participation rate, which would result in the following number of people requiring financial assistance for fiscal years 2008-2012: 4,769, 9,615, 9,691, 9,764 and 9,836. The estimate for fiscal year 2008 assumes a phase-in due to time required to draft rules and develop the program. Multiplying the number of people times the cost per person results in a cost of \$1.7 million in fiscal year 2008 and \$3.5 million in fiscal years 2009 through 2012.

HHSC estimates a need for one Program Specialist V per year. The cost of this FTE is assumed for one-half year in fiscal year 2008. All costs for this FTE are assumed to be less than \$80,000 per fiscal year.

The contracted services are estimated to cost approximately \$0.3 million in fiscal year 2008, and \$0.7 million in fiscal years 2009 through 2012.

Technology

Seat management (included above) at a cost of \$905 per fiscal year would be required for the FTE at HHSC.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 529 Health and Human Services Commission
LBB Staff: JOB, PP, MB, KJG

