

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 29, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB363 by Brown, Betty (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.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB363, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

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
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Vital Statistics Account</i> 19	Probable Revenue Gain from <i>Vital Statistics Account</i> 19	Probable Revenue (Loss) from <i>Vital Statistics Account</i> 19
2010	(\$60,000)	\$907,165	(\$71,298)
2011	(\$3,500)	\$907,165	(\$71,298)
2012	(\$3,500)	\$907,165	(\$71,298)
2013	(\$3,500)	\$907,165	(\$71,298)
2014	(\$3,500)	\$907,165	(\$71,298)

Fiscal Analysis

The bill would require the Department of State Health Services (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 executive commissioner of the Health and Human Services Commission (HHSC) would be required to adopt rules related to access to information in state indexes by county clerks. The bill would require the executive commissioner of HHSC to establish a fee, not to exceed \$5, to be imposed on applicants for marriage licenses and the parties to a declaration of informal marriage. The fee would be collected by county clerks and sent to DSHS for deposit into the

vital statistics fund to be used for updating, developing, and maintaining state indexes.

The bill would take effect September, 1, 2009.

Methodology

In calendar year 2008 DSHS processed 3,961 marriage verifications at \$20 per verification. The bill would require DSHS to create a free online index of marriage applications and informal marriage declarations. DSHS estimates that the online index will reduce the number of verifications processed by 90 percent resulting in a loss of revenue of \$71,298 in fiscal year 2010 and beyond from the Vital Statistics Account.

DSHS assumes the fee required by the bill will be set at \$5. In fiscal year 2008 DSHS estimated that there were 181,433 marriage applications and informal marriage declarations. Assuming the number of applications remains steady, DSHS estimates a revenue gain of \$907,165 in the Vital Statistics Account in fiscal year 2010 and beyond.

DSHS estimates that the cost to design and implement the online database would require 600 hours at a cost of \$100 per hour for a cost of \$60,000 in fiscal year 2010. DSHS estimates it will cost \$3,500 in fiscal year 2011 and beyond to maintain the online index.

Technology

DSHS estimates that the cost to design and implement the online data base would require 600 hours at a cost of \$100 per hour for a cost of \$60,000 in fiscal year 2010. DSHS estimates it will cost \$3,500 in fiscal year 2011 and beyond to maintain the online index.

Local Government Impact

The bill would require county clerks to verify the marital status of applicants using the online state index maintained by the bureau of vital statistics of the Department of State Health Services before issuing a marriage license or recording a declaration of an informal marriage.

County clerks could incur some extra personnel costs due to the time taken for the required verification. The Dallas County clerk's office reported that 7,724 marriage licenses were issued in fiscal year 2008, each taking an estimated 20 minutes to process. Under the provisions of the bill, the process would add about three more minutes per license resulting in the need for an additional position to process the same number of licenses per year.

The bill also would require county clerks to collect a fee for licenses to be established by the executive commissioner of the Health and Human Services Commission, to be remitted to the Bureau of Vital Statistics for updating, developing, and maintaining the state indexes.

The fiscal impact to each county would vary depending on the number of applicants for marriage and informal marriage licenses.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of
LBB Staff: JOB, MN, BM, LR, TP