

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 28, 2011

**TO:** Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

**IN RE: HB898** by Howard, Charlie (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 HB898, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.

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
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$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
2012	(\$120,000)	\$875,000	(\$57,510)
2013	(\$3,500)	\$875,000	(\$57,510)
2014	(\$3,500)	\$875,000	(\$57,510)
2015	(\$3,500)	\$875,000	(\$57,510)
2016	(\$3,500)	\$875,000	(\$57,510)

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, 2011.

### **Methodology**

In calendar year 2010 DSHS processed 3,195 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 \$57,510 in fiscal year 2012 and beyond from the Vital Statistics Account.

DSHS assumes the fee required by the bill will be set at \$5. In fiscal year 2010 DSHS estimated that there were 175,000 marriage applications and informal marriage declarations. Assuming the number of applications remains steady, DSHS estimates a revenue gain of \$875,000 in the Vital Statistics Account in fiscal year 2012 and beyond.

Costs shown above in fiscal year 2012 are related to estimates by DSHS of the technology costs for updates to the indexes and other modifications. System maintenance costs are shown in fiscal year 2013 and beyond.

### **Technology**

DSHS estimates that technology costs would total \$120,000 in fiscal year 2012 for the online index, and modifications to the Texas Electronic Registration (TER) system and the Court of Continuing Jurisdiction Program. Costs in fiscal year 2013 and beyond would be \$3,500 for annual maintenance.

### **Local Government Impact**

The bill would require county clerks to verify that applicants for a marriage license are not presently married.

County clerks reported significant costs associated with verifying current marriage status. Comal County anticipates a one-time cost of \$50,000 for new staff in FY 2012 due to increased administrative duties associated with the bill; current budget expenditures for the affect department are approximately \$500,000 annually.

Shelby County anticipates a one-time cost of \$30,000 for new staff in FY 2012 due to increased administrative duties associated with the bill; current budget expenditures for the affected department are approximately \$314,400 annually.

**Source Agencies:** 529 Health and Human Services Commission, 537 State Health Services, Department of  
**LBB Staff:** JOB, JT, MB, VJC, NB, KKR