

BILL ANALYSIS

C.S.H.B. 555
By: Springer
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the current marriage licensing and fee process was primarily intended for state residents but note that some people who are not residents of Texas travel to Texas to get their marriage licenses, which creates extra work for county clerks not covered by the current fee structure. C.S.H.B. 555 seeks to address this issue by providing for an additional fee for the issuance of a marriage license to applicants who are not residents of Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 555 amends the Local Government Code to include as a condition that must be met for a county clerk to be required to issue a marriage license without collecting a marriage license fee that the applicant provide proof satisfactory to the county clerk that the applicant is a Texas resident. The bill authorizes the county clerk to collect an additional fee of \$100 for issuing a marriage license if neither applicant for the marriage license provides proof satisfactory to the county clerk that the applicant is a Texas resident. The bill applies only to a marriage license issued on or after January 1, 2018.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 555 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 118.011(a), Local Government Code, is amended to read as follows:

HOUSE COMMITTEE SUBSTITUTE

(See SECTIONS 1 and 2 below.)

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

(1) Personal Property Records Filing (Sec. 118.012):

for the first page \$5.00

for each additional page or part of a page on which there are visible marks of any kind

\$4.00

(2) Real Property Records Filing (Sec. 118.013):

for the first page \$5.00

for each additional page or part of a page on which there are visible marks of any kind

\$4.00

for all or part of each 8-1/2" X 14" attachment or rider \$4.00

for each name in excess of five names that has to be indexed in all records in which the document must be indexed

\$0.25

(3) Certified Papers (Sec. 118.014):

for the clerk's certificate \$5.00

plus a fee for each page or part of a page

\$1.00

(4) Noncertified Papers (Sec. 118.0145):

for each page or part of a page \$1.00

(5) Birth or Death Certificate (Sec. 118.015) same as state registrar

(6) Bond Approval (Sec. 118.016) \$3.00

(7) Marriage License (Sec. 118.018) \$60.00

(7-a) Marriage License for Out-Of-State Applicants (Sec. 118.018) not more than \$150

(8) Declaration of Informal Marriage (Sec. 118.019) \$25.00

(9) Brand Registration (Sec. 118.020) \$5.00

(10) Oath Administration (Sec. 118.021) \$1.00

(See SECTION 1 above.)

SECTION 1. Section 118.011(b), Local Government Code, as effective until September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$10

(3) Mental Health Background Check for License to Carry a Handgun (Sec. 118.0217) not more than \$2

(4) Marriage License for Out-of-State Applicants (Sec. 118.018)
. . . . \$100

(See SECTION 1 above.)

SECTION 2. Section 118.011(b), Local Government Code, as effective September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215)
. . . not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216)
. . . . not more than \$5

(3) Mental Health Background Check for License to Carry a Handgun (Sec. 118.0217)
. . . . not more than \$2

(4) Marriage License for Out-of-State Applicants (Sec. 118.018)
. \$100

SECTION 2. Section 118.018, Local Government Code, is amended by amending Subsection (b-1) and adding Subsection (d) to read as follows:

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

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

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

(3) provides proof satisfactory to the county clerk that the applicant is a resident of this state.

(d) If neither applicant for a marriage license provides proof satisfactory to the county clerk that the applicant is a resident of this state, the county clerk may collect an additional fee of not more than \$150 for issuing the marriage license.

SECTION 3. The change in law made by this Act applies only to a marriage license issued on or after January 1, 2018. A marriage license issued before January 1, 2018, is governed by the law in effect

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

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

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

(3) provides proof satisfactory to the county clerk that the applicant is a resident of this state.

(d) If neither applicant for a marriage license provides proof satisfactory to the county clerk that the applicant is a resident of this state, the county clerk may collect an additional fee of \$100 for issuing the marriage license.

SECTION 4. Same as introduced version.

immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 5. Same as introduced version.