

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 2, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB522 by Birdwell (Relating to issuing a marriage license and conducting a marriage ceremony.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to define the role of Certifying Official for the purpose of administering an application for a marriage license. In cases where a county clerk has fulfilled certain notification procedures relating to sincerely held religious beliefs concerning issuance of a marriage license, the bill provides for a procedure identifying Certifying Officials to issue the license. Certifying Officials as defined in this bill are not authorized to perform the functions of a county clerk other than certifying a completed marriage license application, administering the oath, and issuing the license. Defines certain procedures for transfer of records from the Certifying Official to the county clerk. Requires a county clerk fulfilling the notification procedures as defined in this bill to provide a notice to denied applicants of Certifying Officials in the county. If there are no such Certifying Officials in the county, allows for the submission and administration of materials concerning the marriage license by facsimile or electronic means to a Certifying Official in another county.

The bill would allow certain individuals authorized to conduct marriage ceremonies from declining to conduct such ceremonies in certain circumstances. Prohibits a civil or administrative penalty from being imposed by a state or local governmental entity due to such a refusal. Prohibits a private civil cause of action from arising due to such a refusal.

According to the Department of State Health Services and the Office of Court Administration, no significant fiscal implication to the state is anticipated.

This bill would take effect September 1, 2017.

**Local Government Impact**

According to the Office of Court Administration, no significant fiscal implication to local courts is anticipated.

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

**LBB Staff:** UP, AG, GG, GP, JGA, BM, RD