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FISCAL IMPACT REPORT

ORIGINAL DATE 2/3/09

SPONSOR Boitano LAST UPDATED _____ HB _____

SHORT TITLE Waive Marriage License Fee for Counseling SB 304

ANALYST Chabot

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	(\$0.1)		Recurring	Children's Trust Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 304, Waive Marriage License Fee for Counseling, provides for the county clerks to waive the fee for a marriage license (\$25.00) for couples presenting proof that they received no less than six hours, in at least three separate sessions, of premarital counseling or relationship training or education conducted by one or more of the following:

1. a licensed marriage and family therapist;
2. a licensed psychiatrist or a licensed psychologist;
3. a licensed professional clinical mental health counselor;
4. a licensed independent social worker;
5. an official representative of a religious institution or the representative; designee; or
6. a marriage educator.

FISCAL IMPLICATIONS

Senate Bill 304 does not contain an appropriation; however, \$15 of the fee is eventually deposited in the Children’s Trust Fund managed by the Children, Youth and Families Department. The Children’s Trust Fund is to be used for the following:

- A. Developing innovative children’s projects that address at least one of following:
 - 1. preventing abuse and neglect of children;
 - 2. providing medical, psychological and other appropriate treatment for children who are victims of abuse or neglect; and
 - 3. developing community-based services aimed at the prevention and treatment of child abuse and neglect.

- B. Manage next generation fund projects.

SIGNIFICANT ISSUES

The Children’s Trust Fund is a small account used to fund innovative programs to prevent and treat child abuse that would not normally be funded by the general fund. The Legislature would have to determine if lost revenues from this bill would be made by some other revenue source.

DOH cites two sources that state “with median duration of first marriages being only around 8 years and high rates of domestic violence in New Mexico, a financial incentive to undergo premarital counseling might encourage couples to learn relationship skills before marriage to improve the quality of the marriage, and possibly prevent divorce/separation and possibly prevent spousal abuse.” A program exists in Oklahoma which was started in the late 1990s which has as a component offering a marriage license discount for couples who receive pre-marriage counseling but a study of the outcomes has not been completed.

DOH suggests if the counseling is paid for by the couples, the cost will exceed the amount saved in marriage license fees.

PERFORMANCE IMPLICATIONS

If the intent of the counseling is successful, it could reduce domestic violence and divorces in New Mexico.

TECHNICAL ISSUES

DOH states page 3, line 6, does not specify the type of proof of counseling that should be presented.

POSSIBLE QUESTIONS

1. Is there any proof that a reduction in marriage fees by attending counseling will lead to a reduction in domestic violence or divorces?
2. What source of revenue should be used to off-set the losses in revenue to the Children’s Trust Fund?