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FISCAL IMPACT REPORT

SPONSOR Stefanics ORIGINAL DATE 02/10/21
LAST UPDATED 03/16/21 HB _____

SHORT TITLE Marriage License & Certificate Fees SB 294/aSF1#1

ANALYST Gaussoin

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
	\$350.0	\$350.0	Recurring	County Clerk Fee Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)
Children, Youth and Families Department (CYFD)

No Response Received

New Mexico Counties (NMC)
State Treasurer Office (STO)

SUMMARY

Synopsis of SF1#1 Amendment

Senate Floor #1 amendment to Senate Bill 294 changes the depository for the newly generated funds from “a fee fund for county clerks” to “the county clerk recording and filing fund.” The county clerks fee fund is established under Section 14-8-15 NMSA 1978 for specific uses.

Synopsis of Original Bill

Senate Bill 294 would double the marriage license fee that must be paid to a county clerk from \$25 to \$50, with the additional \$25 to be remitted to the State Treasurer monthly for deposit into a fee fund for county clerks.

The effective date of this bill is July 1, 2021.

FISCAL IMPLICATIONS

SB294 would generate income for the county clerks fund but does not impact the \$10 of the existing fee paid to a county clerk for “issuing, acknowledging and recording a marriage license and marriage certificate” that is currently retained by the county for its general fund, nor the \$15 now sent to the State Treasurer for deposit into the children’s trust fund, managed by the Children, Youth and Families Department.

DFA did not address the statewide impact of the bill but reports Santa Fe County would receive an additional \$26,350 based on the 1,054 licenses sold in the county in 2019, before the impact of the pandemic. (Using 2020 figures, the county would receive an additional \$20,050.)

Extrapolating from children’s trust fund figures for FY19 and FY20, total marriage license fees paid in New Mexico were \$356,470 in FY19 and \$285,577 in FY20.¹ Because the additional fee is equal to the existing total fee, counties would receive a similar amount starting in FY22.

SIGNIFICANT ISSUES

DFA notes a higher fee could impact the number of individuals seeking legal marriage documents; however, *Forbes* magazine columnist Suneal Bedi proposes that the price of “true love” is somewhat inelastic, meaning cost has little impact on demand.² The same is likely for marriage licenses.

Also from DFA:

The County Clerk’s fee fund is an established fund, pursuant to Section 14-8-15 NMSA 1978, and is utilized to assist with purchases of equipment, supplies, software, etc., to support the needs of the Recording Clerk’s duties that the County’s general fund allocation and budget shortfall do not cover.

HG/sb/al

¹ CYFD reports the trust fund received \$213,882 from marriage licenses in FY19 and \$171,346 in FY20; Marriage license fees paid to the trust fund / 0.6 (the share of the fee sent to the trust fund) = total fees.

² <https://www.forbes.com/sites/realspin/2012/03/29/the-price-elasticity-of-true-love-and-marriage/?sh=5d6dfd43234f>