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## FISCAL IMPACT REPORT

SPONSOR Padilla LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 1/23/2023  
BILL \_\_\_\_\_  
SHORT TITLE Solemnization of Marriage by Notary BILL NUMBER Senate Bill 39  
ANALYST Gray

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			
<b>Total</b>						

Parentheses ( ) indicate expenditure decreases.  
\*Amounts reflect most recent version of this legislation.

### Sources of Information

LFC Files

Responses Received From  
Secretary of State (SOS)  
Administrative Office of the Courts (AOC)

## SUMMARY

### Synopsis of Senate Bill 39

Senate bill 39 would allow a person who is authorized to solemnize a contract of marriage to perform the responsibilities of a notarial officer at the time when a solemnization of marriage is sought.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

## FISCAL IMPLICATIONS

There are no anticipated fiscal implications.

## SIGNIFICANT ISSUES

Currently, judges, court clerks, or any current noncommissioned notarial officers can already perform notarial acts in their official capacity, as they are already authorized to notarize per Revised Uniform Law on Notarial Acts (RULONA).

According to analysis from the Secretary of State, authorizing noncommissioned individuals to notarize documents would present significant issues. Commissioning includes the successful completion of an exam on the statute and compliance with the current stamp requirements in statute and rule. A lack of commission may cause issues with enforcement of RULONA by the state ethics commission, who is charged with investigating allegations of fraudulent and illegal acts committed by notaries in this state.

## **TECHNICAL ISSUES**

It appears SB39 requires those able to solemnize a marriage to be a notary public or notarial officer. However, there is no use of the word “required” or “requirement.” Instead, SB39’s language grants the authority of a person to perform notarial acts as a notary public or notarial officer. The language could be interpreted as providing those individuals an exemption from the Revised Uniform Law on Notarial Acts requirements.

BG/al/ne