

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

SPONSOR Padilla LAST UPDATED _____
ORIGINAL DATE 1/23/2023
BILL _____
SHORT TITLE Remote Weddings for Active Duty Military NUMBER Senate Bill 40
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			
Total						

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 40

Senate Bill 40 would amend the personal appearance requirements for remote solemnization and marriage licensure by affidavit for an active duty military member who is unavailable.

SB40 proposes a new statutory section that permits an unavailable party to a marriage to marry remotely if that party provides a notarized affidavit to a person authorized to solemnize a marriage.

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

SB40 authorizes a party to the marriage and the unavailable party, through affidavit or proxy, to petition the district court for an order permitting the marriage to be solemnized in the event solemnization is refused. SB40 does not, however, provide the same authority should the issuance of a license be refused by a county clerk.

TECHNICAL ISSUES

Language in SB40's proposed Section 1(A) is unclear. Current language may open the door to other instances of remote solemnization for those who are not military members on active duty. Rather than providing that "If a party to a marriage is a military member on active duty and is unable to be present at the solemnization,...", Section 1(A) provides that, "If a party to a marriage is unable to be present at the solemnization,...", making no mention of active military duty being the cause for unavailability. SB40's requirement that unavailability be related to active military service does not appear until Section 1(A)(7), which requires the appointment of a proxy if the unavailable party is an active duty military member and unable to attend the ceremony.

BG/al/ne