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FISCAL IMPACT REPORT

ORIGINAL DATE 02/21/11

SPONSOR Martinez LAST UPDATED HB

SHORT TITLE Marriage License Procedures SB 395

ANALYST Aledo

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|------|-------------------------|------------------|
| FY11 | FY12 | | |
| | NFI | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

Administrative Office of the Courts (AOC)

Children Youth and Families Department (CYFD)

Association of County Clerks (ACC)

SUMMARY

Synopsis of Bill

Senate Bill 395 requires the collection of social security numbers from applicants for marriage licenses. The bill clarifies that social security numbers are not a requirement for issuing a marriage license and do not have to be recorded on the marriage license application. The bill requires the county clerks collect social security numbers from applicants for marriage licenses, maintain the numbers, and make them available only to the state's Title IV-D agency.

The bill also prohibits the county clerk from issuing a marriage license to any person sixteen or seventeen years of age unless the minor receives the written consent of each of the minor's living parents as shown on the minor's certificate of birth, or the marriage has been authorized by a district court. A certified copy of the district court order shall be filed with the county clerk. The bill further requires the county clerk not to issue a marriage license to any person under sixteen years of age, unless the children's or family court division of the court has authorized the marriage of the person in settlement of proceedings to compel support and establish parentage, or where the female is under the age of consent and is pregnant. A certified copy of the order is to

be filed with the county clerk

SB 395 also amends Section 40-1-10 NMSA 1978 to clarify the procedures for issuing a marriage license by requiring a couple to appear in person at the county clerk's office and provide sufficient identification to satisfy the county clerk as to the person's identity and qualification for receiving a marriage license. If an applicant is unable to appear in person, the person may apply to the district court for an order allowing a person not to appear. The clerk must have a certified copy of any such order.

The bill requires the county clerk to ensure that the information on the certificate of marriage is complete and legible. The bill also allows the county clerks to reissue or correct marriage license documents as a result of a typographical or data entry error by the office of the county clerk. SB 395 also restricts medical evaluation language from printed on the application until such time as the Secretary of Health issues new rules.

The effective date of this act is July 1, 2011.

MCA/bym