



March 4, 2020

**SUMMARY OF BILL:** Creates the *Disentanglement Act* and states that policies that respect and endorse secular marriage between a man and woman must continue to be enforced and agents of the state must only issue and recognize secular marriage licenses.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Revenue – Exceeds \$5,700/FY20-21 and Subsequent Years**

**Decrease State Expenditures - \$3,443,000/FY20-21 and Subsequent Years**

**Decrease Local Revenue – Exceeds \$7,600/FY20-21 and Subsequent Years**

**Decrease Local Expenditures –  
Exceeds \$344,300/FY20-21 and Subsequent Years**

**Other Fiscal Impact – Passage of this legislation could jeopardize federal funding to the Division of TennCare of approximately \$8,220,046,800 in FY20-21 and subsequent years if it is determined the state is noncompliant with federal law.**

**Federal funding the Department of Human Services receives for the Supplemental Nutrition Assistance Program and for Temporary Assistance for Needy Families could also be in jeopardy. These funds total over \$2 billion.**

Assumptions:

- The legislation will result in marriages of same-sex couples being null and void in Tennessee, whether married in Tennessee or in another state. The legislation will also result in same-sex married couples being denied services offered to different-sex married couples.

*Decrease in marriage license revenue:*

- The legislation will result in fewer marriage licenses being issued in Tennessee. Specifically, marriage licenses issued to same-sex couples.
- Data from the 2010 census show 10,898 same-sex couples in Tennessee in 2010. It is assumed for purposes of this fiscal note that the number of same-sex couples living in Tennessee will remain constant.

- A study by the Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy indicates that approximately 45 percent of same-sex couples were married as of October 2015. (Gates, GJ, Brown, TNT. 2015. Marriage and Same-Sex Couples after *Obergefell*. Williams Institute, UCLA School of Law.) It is assumed that at least 30 percent (3,269.4) of same-sex couples in Tennessee are married.
- The legislation will result in the remaining 7,629 same-sex couples (10,898 couples – 3,269 couples already married) that are not married being prohibited from being married in Tennessee.
- For each marriage license issued, the state receives a \$15 privilege tax and local governments receive the following:
  - County privilege tax - \$5.00
  - Local option tax - \$5.00
  - County clerk fee - \$10.00
- It is assumed that a minimum of five percent ( $7,629 \times 0.05 = 381$ ) of the 7,629 unmarried same-sex couples would have sought a marriage license each year had the legislation not prohibited the issuance of the license.
- Passage of the proposed legislation will result in a recurring decrease in state revenue exceeding \$5,715 [381 couples x \$15.00] as well as a decrease in local revenue as follows:
  - A decrease exceeding \$1,905 for county privilege taxes (381 couples x \$5.00);
  - A decrease exceeding \$1,905 for local option taxes (381 couples x \$5.00); and
  - A decrease exceeding \$3,810 for county clerk fees (381 couples x \$10.00).
- The recurring mandatory decrease in local revenue is estimated to exceed \$7,620 (\$1,950 county privilege tax + \$1,905 local option taxes + \$3,810 county clerk fees) in FY20-21 and subsequent years.

*Division of Benefits Administration:*

- The Division of Benefits Administration currently recognizes same sex marriages for eligibility in the state group insurance program (SGIP). The proposed legislation would make a dependent spouse ineligible for coverage on the SGIP.
- It is estimated that 51 percent of members are on the State Employee Plan, 39 percent are on the Local Education Plan and 10 percent are on the Local Government Plan.
- The recurring decrease in state expenditures is estimated to be \$3,442,958 across both the State Employee Plan and the Local Education Plans in FY20-21 and subsequent years.
- The state does not contribute to the Local Government Plan; any decrease in premiums will be absorbed by the participating agencies and their members.
- It is estimated the Local Government Plan will experience a decrease in local expenditures estimated to be \$344,296 ( $\$3,442,958 \times 10.0\%$ ) in FY20-21 and subsequent years.
- It is unknown the impact on local governments that do not opt into the Local Government Plan; therefore, the total decrease in local expenditures is estimated to exceed \$344,296 in FY20-21 and subsequent years.

*Other assumptions:*

- TennCare reports that if someone is denied coverage that would otherwise be eligible by virtue of being in a same-sex marriage, and such action is considered noncompliant with federal law, then TennCare's federal funding, approximately \$8,220,046,800 in FY20-21, could be in jeopardy.
- The Department of Human Services (DHS) reports that the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) funds received by the department could also be in jeopardy. These funds total over \$1,600,000,000.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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