

BILL ANALYSIS

Senate Research Center
78R9569 KSD-D

C.S.S.B. 7
By: Wentworth
State Affairs
4/4/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas law prohibits issuing a marriage license for persons of the same sex. However, the law is silent on the status of civil unions. C.S.S.B. 7 provides that Texas may not give effect to a same-sex marriage or civil union.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 6C, Family Code, by adding Section 6.204, as follows:

Sec. 6.204. RECOGNITION OF SAME-SEX MARRIAGE OR CIVIL UNION. (a)
Defines "civil union."

(b) Provides that a marriage between persons of the same sex or a civil union is contrary to the public policy of this state and is void in this state.

(c) Prohibits the state or an agency or political subdivision of the state from giving effect to a public act, record, or judicial proceeding that creates, recognizes or validates a marriage between persons of the same sex or a civil union in this state or in any other jurisdiction or right or claim to any legal protection, benefit, or responsibility asserted as a result of a marriage between persons of the same sex or a civil union in this state or in any other jurisdiction.

SECTION 2. Provides that the legislature finds that through the designation of guardians, the appointment of agents, and the use of private contracts persons may adequately and properly appoint guardians and arrange rights relating to hospital visitation, property, and the entitlement to proceeds of life insurance policies without the existence of any legally recognized familial relationship between the persons.

SECTION 3. Makes application of this Act retroactive.

SECTION 4. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 7, proposed SECTION 1 to add Chapter 6C (Section 6.204), Family Code, rather than Chapter 1B (Section 1.109), Family Code.

SECTION 2. Adds new proposed SECTION 2.

SECTION 3. Adds this new proposed Section to make the application of this Act retroactive.

SECTION 4. Redesignated from former proposed SECTION 2.