

By: Chisum, Geren, Kuempel, Campbell, Hopson,
et al.

H.B. No. 38

Substitute the following for H.B. No. 38:

By: Madden

C.S.H.B. No. 38

A BILL TO BE ENTITLED

AN ACT

relating to the recognition of a same-sex marriage or a civil union.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 6, Family Code, is amended
by adding Section 6.204 to read as follows:

Sec. 6.204. RECOGNITION OF SAME-SEX MARRIAGE OR CIVIL
UNION. (a) In this section, "civil union" means any relationship
status other than marriage that:

(1) is intended as an alternative to marriage or
applies primarily to cohabitating persons; and

(2) grants to the parties of the relationship legal
protections, benefits, or responsibilities granted to the spouses
of a marriage.

(b) 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) The state or an agency or political subdivision of the
state may not give effect to a:

(1) 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

(2) right or claim to any legal protection, benefit,
or responsibility asserted as a result of a marriage between

1 persons of the same sex or a civil union in this state or in any
2 other jurisdiction.

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

10 SECTION 3. This Act applies to a same-sex marriage or a
11 civil union regardless of whether the marriage or civil union was
12 entered into before, on, or after the effective date of this Act.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2003.