

1-1 By: Wentworth S.B. No. 7  
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 7, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 1; April 7, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 7 By: Staples

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the recognition of a same-sex marriage or a civil union.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter C, Chapter 6, Family Code, is amended  
1-13 by adding Section 6.204 to read as follows:

1-14 Sec. 6.204. RECOGNITION OF SAME-SEX MARRIAGE OR CIVIL  
1-15 UNION. (a) In this section, "civil union" means any relationship  
1-16 status other than marriage that:

1-17 (1) is intended as an alternative to marriage or  
1-18 applies primarily to cohabitating persons; and

1-19 (2) grants to the parties of the relationship legal  
1-20 protections, benefits, or responsibilities granted to the spouses  
1-21 of a marriage.

1-22 (b) A marriage between persons of the same sex or a civil  
1-23 union is contrary to the public policy of this state and is void in  
1-24 this state.

1-25 (c) The state or an agency or political subdivision of the  
1-26 state may not give effect to a:

1-27 (1) public act, record, or judicial proceeding that  
1-28 creates, recognizes, or validates a marriage between persons of the  
1-29 same sex or a civil union in this state or in any other  
1-30 jurisdiction; or

1-31 (2) right or claim to any legal protection, benefit,  
1-32 or responsibility asserted as a result of a marriage between  
1-33 persons of the same sex or a civil union in this state or in any  
1-34 other jurisdiction.

1-35 SECTION 2. The legislature finds that through the  
1-36 designation of guardians, the appointment of agents, and the use of  
1-37 private contracts persons may adequately and properly appoint  
1-38 guardians and arrange rights relating to hospital visitation,  
1-39 property, and the entitlement to proceeds of life insurance  
1-40 policies without the existence of any legally recognized familial  
1-41 relationship between the persons.

1-42 SECTION 3. This Act applies to a same-sex marriage or a  
1-43 civil union regardless of whether the marriage or civil union was  
1-44 entered into before, on, or after the effective date of this Act.

1-45 SECTION 4. This Act takes effect immediately if it receives  
1-46 a vote of two-thirds of all the members elected to each house, as  
1-47 provided by Section 39, Article III, Texas Constitution. If this  
1-48 Act does not receive the vote necessary for immediate effect, this  
1-49 Act takes effect September 1, 2003.

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