

By: Chisum

H.B. No. 2685

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements for issuance of a marriage license, including an optional premarital education course.

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

SECTION 1. Section 2.013, Family Code, is amended to read as follows:

Sec. 2.013. PREMARITAL EDUCATION COURSES [~~REQUIREMENTS, WAIVER~~]. (a) Each person applying for a marriage license is encouraged to attend a premarital education course of at least eight [~~four~~] hours during the year preceding the date of the application for the license.

(b) [~~The course under Subsection (a) may be completed by:~~

[~~(1) personal instruction,~~

[~~(2) videotape instruction,~~

[~~(3) instruction through an electronic medium, or~~

[~~(4) a combination of these methods.~~

[~~(c)~~] A premarital education course must [~~should~~] include instruction in:

(1) conflict management; and

(2) communication skills[~~,~~

[~~(3) children and parenting responsibilities, and~~

[~~(4) financial responsibilities].~~

(c) [~~(d)~~] A course under this section should be offered by instructors trained and certified in a skill-based marriage

1 preparation curricula. The following individuals and  
2 organizations may provide courses:

3 (1) marriage educators [~~a mental health professional~~  
4 ~~who holds at least a master's degree with a background in family~~  
5 ~~therapy~~]; [~~or~~]

6 (2) clergy or their designees;

7 (3) licensed mental health professionals;

8 (4) faith-based organizations; and

9 (5) community-based organizations [~~a religious~~  
10 ~~practitioner who performs counseling consistent with the laws of~~  
11 ~~this state or another person designated as a program counselor by a~~  
12 ~~church or religious institution)].~~

13 (d) The curricula of a premarital education course must meet  
14 the requirements of this section and provide the skill-based and  
15 research-based curricula of:

16 (1) the United States Department of Health and Human  
17 Services healthy marriage initiative;

18 (2) the Coalition for Marriage, Family, and Couples  
19 Education; or

20 (3) other similar resources.

21 (e) [~~Each county clerk may maintain a roster of area course~~  
22 ~~providers who meet the requirements of this section, including~~  
23 ~~providers who offer the course on a sliding scale or without charge.~~  
24 ~~The clerk may provide a copy of the roster on request to an~~  
25 ~~applicant for a marriage license.~~

26 [~~f~~] An applicant for a marriage license who takes a course  
27 under this section shall pay any fee charged for the course. An

1 applicant who is unable to pay the course fee may apply for a  
2 scholarship under this subsection. The executive commissioner of  
3 health and human services by rule shall provide for the  
4 establishment of a scholarship program funded by money available  
5 under the federal Temporary Assistance for Needy Families block  
6 grant during each state fiscal biennium to fund programs that  
7 support the development of healthy marriages or strengthen  
8 families. The executive commissioner shall establish guidelines  
9 that use a sliding scale if practicable. In awarding scholarships,  
10 the Health and Human Services Commission shall give equal  
11 consideration to courses provided by secular and faith-based  
12 programs.

13 (f) [~~(g)~~] A person who provides a premarital education  
14 course shall provide a signed and dated completion certificate to  
15 each individual who completes the course. The certificate must  
16 include the name of the course, the name of the course provider, and  
17 the completion date [~~seeks to be listed as a course provider on a~~  
18 list maintained under Subsection (c) shall notify the county clerk  
19 of the county in which the person intends to offer a course. The  
20 notification must include the applicant's professional license  
21 number or evidence of the person's position or affiliation with a  
22 church or religious institution, as appropriate, and an address at  
23 which the course provider may be contacted].

24 SECTION 2. Section 2.204(b), Family Code, is amended to  
25 read as follows:

26 (b) The 72-hour waiting period after issuance of a marriage  
27 license does not apply to an applicant who:

1 (1) is a member of the armed forces of the United  
2 States and on active duty;

3 (2) is not a member of the armed forces of the United  
4 States but performs work for the United States Department of  
5 Defense as a department employee or under a contract with the  
6 department; [~~or~~]

7 (3) obtains a written waiver under Subsection (c); or

8 (4) completes a premarital education course described  
9 by Section 2.013, and who provides to the county clerk a premarital  
10 education course completion certificate indicating completion of  
11 the premarital education course not more than one year before the  
12 date the marriage license application is filed with the clerk.

13 SECTION 3. Section 118.011(a), Local Government Code, is  
14 amended to read as follows:

15 (a) A county clerk shall collect the following fees for  
16 services rendered to any person:

17 (1) Personal Property Records Filing (Sec. 118.012):

18 for the first page . . . . . \$ 5.00

19 for each additional page or part of a page on which  
20 there are visible marks of any kind . . . . . \$ 4.00

21 (2) Real Property Records Filing (Sec. 118.013):

22 for the first page . . . . . \$ 5.00

23 for each additional page or part of a page on which  
24 there are visible marks of any kind . . . . . \$ 4.00

25 for all or part of each 8-1/2" X 14" attachment or  
26 rider . . . . . \$ 4.00

27 for each name in excess of five names that has to be

1 indexed in all records in which the document must be  
2 indexed . . . . . \$ 0.25

3 (3) Certified Papers (Sec. 118.014):  
4 for the clerk's certificate . . . . . \$ 5.00  
5 plus a fee for each page or part of a page. . . . . \$ 1.00

6 (4) Noncertified Papers (Sec. 118.0145):  
7 for each page or part of a page. . . . . \$ 1.00

8 (5) Birth or Death Certificate (Sec.  
9 118.015) . . . . . same as state registrar

10 (6) Bond Approval (Sec. 118.016) . . . . . \$ 3.00

11 (7) Marriage License (Sec. 118.018) . . \$60.00 [~~\$30.00~~]

12 (8) Declaration of Informal Marriage (Sec.  
13 118.019) . . . . . \$25.00

14 (9) Brand Registration (Sec. 118.020) . . . . . \$ 5.00

15 (10) Oath Administration (Sec. 118.021) . . \$ 1.00

16 SECTION 4. Section 118.018, Local Government Code, is  
17 amended by amending Subsection (a) and adding Subsection (b-1) to  
18 read as follows:

19 (a) The fee for "Marriage License" under Section 118.011 is  
20 for issuing a marriage license. The fee must be paid at the time the  
21 license is issued, except as provided by Subsection (b-1).

22 (b-1) The county clerk shall issue a marriage license without  
23 collecting a fee from an applicant who:

24 (1) completes a premarital education course described  
25 by Section 2.013, Family Code; and

26 (2) provides to the county clerk a premarital  
27 education course completion certificate indicating completion of

1 the premarital education course not more than one year before the  
2 date the marriage license application is filed with the clerk.

3 SECTION 5. Section 118.022(a), Local Government Code, is  
4 amended to read as follows:

5 (a) If the county clerk collects a fee for issuing a  
6 marriage license, the [The] county clerk shall deposit, as provided  
7 by Subchapter B, Chapter 133, \$30 [~~\$12.50~~] of each fee collected for  
8 issuing [issuance of] a marriage license or \$12.50 of each fee for  
9 recording a declaration of informal marriage to be sent to the  
10 comptroller and deposited as provided by Subsection (b).

11 SECTION 6. This Act takes effect September 1, 2007.