

1-1 By: Chisum, et al. (Senate Sponsor - Estes) H.B. No. 2685
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 17, 2007, read first time and referred to Committee on Health
1-4 and Human Services; May 4, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 4, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2685 By: Deuell

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

1-10 relating to certain requirements for issuance of a marriage
1-11 license, including an optional premarital education course.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 2.013, Family Code, is amended to read
1-14 as follows:

1-15 Sec. 2.013. PREMARITAL EDUCATION COURSES [~~REQUIREMENTS,~~
1-16 ~~WAIVER~~]. (a) Each person applying for a marriage license is
1-17 encouraged to attend a premarital education course of at least
1-18 eight [~~four~~] hours during the year preceding the date of the
1-19 application for the license.

1-20 (b) [~~The course under Subsection (a) may be completed by:~~
1-21 [~~(1) personal instruction,~~
1-22 [~~(2) videotape instruction,~~
1-23 [~~(3) instruction through an electronic medium; or~~
1-24 [~~(4) a combination of these methods.~~

1-25 [~~(c)~~] A premarital education course must [~~should~~] include
1-26 instruction in:

1-27 (1) conflict management;
1-28 (2) communication skills; and
1-29 (3) the key components of a successful marriage
1-30 [~~children and parenting responsibilities; and~~
1-31 [~~(4) financial responsibilities~~].

1-32 (c) [~~(d)~~] A course under this section should be offered by
1-33 instructors trained in a skills-based and research-based marriage
1-34 preparation curricula. The following individuals and
1-35 organizations may provide courses:

1-36 (1) marriage educators [~~a mental health professional~~
1-37 ~~who holds at least a master's degree with a background in family~~
1-38 ~~therapy]; [~~or~~~~

1-39 (2) clergy or their designees;

1-40 (3) licensed mental health professionals;

1-41 (4) faith-based organizations; and

1-42 (5) community-based organizations [~~a religious~~
1-43 ~~practitioner who performs counseling consistent with the laws of~~
1-44 ~~this state or another person designated as a program counselor by a~~
1-45 ~~church or religious institution].~~

1-46 (d) The curricula of a premarital education course must meet
1-47 the requirements of this section and provide the skills-based and
1-48 research-based curricula of:

1-49 (1) the United States Department of Health and Human
1-50 Services healthy marriage initiative;

1-51 (2) the National Healthy Marriage Resource Center;

1-52 (3) criteria developed by the Health and Human
1-53 Services Commission; or

1-54 (4) other similar resources.

1-55 (e) The Health and Human Services Commission shall maintain
1-56 an Internet website on which individuals and organizations
1-57 described by Subsection (c) may electronically register with the
1-58 commission to indicate the skills-based and research-based
1-59 curriculum in which the registrant is trained [~~Each county clerk~~
1-60 ~~may maintain a roster of area course providers who meet the~~
1-61 ~~requirements of this section, including providers who offer the~~
1-62 ~~course on a sliding scale or without charge. The clerk may provide~~
1-63 ~~a copy of the roster on request to an applicant for a marriage~~

license].

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

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

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

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

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

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

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

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

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

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

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

for the first page \$ 5.00

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

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

for the first page \$ 5.00

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

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

for each name in excess of five names that has to be indexed in all records in which the document must be indexed \$ 0.25

(3) Certified Papers (Sec. 118.014):

for the clerk's certificate \$ 5.00

plus a fee for each page or part of a page \$ 1.00

(4) Noncertified Papers (Sec. 118.0145):

for each page or part of a page \$ 1.00

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

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

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

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

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

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

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

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

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

(1) completes a premarital education course described

3-1 by Section 2.013, Family Code; and
3-2 (2) provides to the county clerk a premarital
3-3 education course completion certificate indicating completion of
3-4 the premarital education course not more than one year before the
3-5 date the marriage license application is filed with the clerk.

3-6 SECTION 5. Section 118.022, Local Government Code, is
3-7 amended to read as follows:

3-8 Sec. 118.022. DISPOSITION OF MARRIAGE LICENSE AND
3-9 DECLARATION FEES. (a) If the county clerk collects a fee for
3-10 issuing a marriage license, the [The] county clerk shall deposit,
3-11 as provided by Subchapter B, Chapter 133:

3-12 (1) \$20[~~7~~, ~~\$12.50~~] of each fee collected for issuing
3-13 [~~issuance of~~] a marriage license or \$12.50 of each fee for recording
3-14 a declaration of informal marriage to be sent to the comptroller and
3-15 deposited as provided by Subsection (b); and

3-16 (2) \$10 of each fee collected for issuing a marriage
3-17 license to be sent to the comptroller and deposited as provided by
3-18 Subsection (c).

3-19 (b) The comptroller shall deposit the money received under
3-20 Subsection (a)(1) [~~this section~~] to the credit of the child abuse
3-21 and neglect prevention trust fund account established under Section
3-22 40.105, Human Resources Code.

3-23 (c) The comptroller shall deposit the money received under
3-24 Subsection (a)(2) to the credit of the family trust fund account
3-25 established under Section 2.014, Family Code.

3-26 SECTION 6. Section 118.018(c), Local Government Code, is
3-27 repealed.

3-28 SECTION 7. This Act takes effect September 1, 2008.

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