

House Bill 2685
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.~~

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

- (1) conflict management;
- (2) communication skills;
- (3) family violence and its destructive effects on the family ~~[children and parenting responsibilities]; and~~
- (4) early childhood development and parenting ~~[financial responsibilities].~~

(c) ~~[(d)]~~ A course under this section should be offered by instructors trained and certified in a skill-based marriage preparation curricula. The following individuals and organizations may provide courses:

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

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

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(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.~~

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

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

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

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

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~~(3) licensed mental health professionals;~~
~~(4) faith-based organizations; and~~
~~(5) community-based organizations [a religious practitioner who performs counseling consistent with the laws of this state or another person designated as a program counselor by a church or religious institution].~~

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

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

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

~~(3) other similar resources.~~

~~(e) [Each county clerk may maintain a roster of area course providers who meet the requirements of this section, including providers who offer the course on a sliding scale or without charge. The clerk may provide 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. An applicant who is unable to pay the course~~

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(3) licensed mental health professionals;

(4) faith-based organizations; and

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

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

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

(2) the National Healthy Marriage Resource Center;

(3) criteria developed by the Health and Human Services Commission; or

(4) other similar resources.

(e) The Health and Human Services Commission shall maintain an Internet website on which individuals and organizations described by Subsection (c) may electronically register with the commission to indicate the skills-based and research-based curriculum in which the registrant is trained

[Each county clerk may maintain a roster of area course providers who meet the requirements of this section, including providers who offer the course on a sliding scale or without charge. The clerk may provide 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.

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

(f) [(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:

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[(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].

Same as House version.

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(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 31.015, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) The healthy marriage trust fund account is an account in the general revenue fund that may be appropriated only to the Health and Human Services Commission for the purposes and activities authorized by this section and for reasonable administrative expenses under this section. The account is exempt from the application of Section 403.095, Government Code. The account consists of:

(1) all money appropriated for the purposes of this section;

(2) any gifts, grants, or donations received for the

No equivalent provision.

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purposes of this section; and
(3) interest earned on money in the account.

No equivalent provision.

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~~]

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- (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 Subsections (a) and (c) and adding Subsections (a-1) and (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).

(a-1) If the marriage license fees collected by a county do not cover the costs the county incurs in issuing marriage licenses, the state shall pay the county the amount of the deficiency.

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

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

(2) 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.

(c) A county clerk who collects a fee under this section from a marriage license applicant shall deposit \$6 [\$3] of that fee to be sent to the comptroller as provided by

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 by Section 2.013, Family Code; and

(2) 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.

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Subchapter B, Chapter 133, for deposit in the family trust fund established under Section 2.014, Family Code.

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

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

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

(2) \$12 of each fee collected for issuing a marriage license to be sent to the comptroller and deposited as provided by Subsection (c); and

(3) \$6 of each fee collected for issuing a marriage license to be sent to the comptroller and deposited as provided by Subsection (d).

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

(c) The comptroller shall deposit the money received under Subsection (a)(2) to the credit of the healthy marriage trust fund account established under Section

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

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

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

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

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

(c) The comptroller shall deposit the money received under Subsection (a)(2) to the credit of the family trust fund account established under Section 2.014, Family

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31.015(g), Human Resources Code.

(d) The comptroller shall deposit the money received under Subsection (a)(3) to the credit of the family trust fund account established under Section 2.014, Family Code.

No equivalent provision.

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

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Code.

SECTION 6. Section 118.018(c), Local Government Code, is repealed.

SECTION 7. This Act takes effect September 1, 2008.

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