A BILL TO BE ENTITLED

AN ACT

relating to authorizing a marriage between two persons of the same
sex in this state and repealing the statutory prohibition against
the recognition of a civil union or similar relationship entered
into in another state between two persons of the same sex.

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

SECTION 1. Section 2.001(a), Family Code, is amended to
read as follows:

(a) A man and a woman, a man and a man, or a woman and a woman
desiring to enter into a ceremonial marriage must obtain a marriage
license from the county clerk of any county of this state.

SECTION 2. Section 2.401(a), Family Code, is amended to
read as follows:

(a) In a judicial, administrative, or other proceeding, the
marriage of a man and woman, a man and a man, or a woman and a woman
may be proved by evidence that:

(1) a declaration of their marriage has been signed as
provided by this subchapter; or

(2) the man and woman, man and man, or woman and woman
agreed to be married and after the agreement they lived together in
this state as spouses [husband and wife] and there represented to
others that they were married.

SECTION 3. Section 2.402(b), Family Code, is amended to
read as follows:
(b) The declaration form must contain:

(1) a heading entitled "Declaration and Registration of Informal Marriage, __________ County, Texas";

(2) spaces for each party's full name, including the [woman's] maiden surname for a woman, address, date of birth, place of birth, including city, county, and state, and social security number, if any;

(3) a space for indicating the type of document tendered by each party as proof of age and identity;

(4) printed boxes for each party to check "true" or "false" in response to the following statement: "The other party is not related to me as:

   (A) an ancestor or descendant, by blood or adoption;

   (B) a brother or sister, of the whole or half blood or by adoption;

   (C) a parent's brother or sister, of the whole or half blood or by adoption;

   (D) a son or daughter of a brother or sister, of the whole or half blood or by adoption;

   (E) a current or former stepchild or stepparent;

   or

   (F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption."

(5) a printed declaration and oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE
AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS 
SPUSES [HUSBAND AND WIFE] AND IN THIS STATE WE REPRESENTED TO 
OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE 
OTHER PARTY I HAVE NOT BEEN MARRIED TO ANY OTHER PERSON. THIS 
DECLARATION IS TRUE AND THE INFORMATION IN IT WHICH I HAVE GIVEN IS 
CORRECT.";

(6) spaces immediately below the printed declaration 
and oath for the parties' signatures; and

(7) a certificate of the county clerk that the parties 
made the declaration and oath and the place and date it was made.

SECTION 4. Section 3.401(5), Family Code, is amended to 
read as follows:

(5) "Spouse" means a party to a marriage [husband, who 
is a man, or a wife, who is a woman. A member of a civil union or 
similar relationship entered into in another state between persons 
of the same sex is not a spouse].

SECTION 5. Section 6.202(b), Family Code, is amended to 
read as follows:

(b) The later marriage that is void under this section 
becomes valid when the prior marriage is dissolved if, after the 
date of the dissolution, the parties have lived together as spouses 
[husband and wife] and represented themselves to others as being 
moved.

SECTION 6. Section 6.704, Family Code, is amended to read as 
follows:

Sec. 6.704. TESTIMONY OF SPOUSE [HUSBAND OR WIFE]. (a) In 
a suit for dissolution of a marriage, each spouse is a [the husband
and wife are competent witnesses for and against the other spouse. A spouse may not be compelled to testify as to a matter that will incriminate the spouse.

(b) If a spouse testifies, the court or jury trying the case shall determine the credibility of the witness and the weight to be given the witness's testimony.

SECTION 7. The following laws are repealed:

(1) Section 2.001(b), Family Code;

(2) Section 6.204, Family Code; and

(3) Sections 810.001(g), (h), and (i), Government Code.

SECTION 8. This Act takes effect January 1, 2014, but only if the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, repealing the constitutional provision providing that marriage in this state consists only of the union of one man and one woman and prohibiting this state or a political subdivision of this state from creating or recognizing any legal status identical or similar to marriage is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.