A BILL TO BE ENTITLED
AN ACT
relating to the formation of a civil union between persons of the
same sex; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. The heading to Title 1, Family Code, is amended
to read as follows:

TITLE 1. THE MARRIAGE RELATIONSHIP AND CIVIL UNIONS

SECTION 2. Title 1, Family Code, is amended by adding
Subtitle D to read as follows:

SUBTITLE D. CIVIL UNIONS

CHAPTER 10. GENERAL PROVISIONS

Sec. 10.001. DEFINITIONS. In this subtitle:

(1) "Certificate of civil union" means a document that
certifies that the persons named on the certificate have
established a civil union in this state in compliance with this
subtitle.

(2) "Civil union" means a union established by two
eligible persons under this subtitle granting the parties to the
union the same rights, benefits, protections, and responsibilities
under the law as are granted to spouses in a marriage.

(3) "Marriage" means the legally recognized union of
one man and one woman.

(4) "Party to a civil union" means a person who has
established a civil union under this subtitle.
Sec. 10.002. ELIGIBILITY. To be eligible to enter into a civil union under this subtitle:

(1) the parties to a civil union must:

(A) be at least 18 years of age;

(B) be of the same sex and therefore excluded from the marriage laws of this state; and

(C) comply with the requirements of Chapter 11;

and

(2) a party to a civil union may not be a party to another civil union or a marriage that has not been dissolved by legal action or terminated by the death of the other party to the civil union or marriage.

Sec. 10.003. LIMITATIONS. (a) A woman may not enter a civil union with her mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister, or mother's sister.

(b) A man may not enter a civil union with his father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother, or mother's brother.

(c) A civil union between persons prohibited from entering a civil union under this section is void.

Sec. 10.004. RIGHTS, PROTECTIONS, BENEFITS, AND RESPONSIBILITIES OF PARTIES. (a) Parties to a civil union have the same rights, protections, benefits, and responsibilities as are granted by law to the spouses of a marriage, including:

(1) the duty to support one another as provided by Section 2.501;
property rights and liabilities as provided by Subtitle B;

(3) homestead rights as provided by Chapter 5;

(4) rights and duties relating to child custody, support, and adoption as provided by Subtitle B, Title 5;

(5) rights and duties relating to intestate succession;

(6) rights and duties under probate law and procedure, including nonprobate transfers;

(7) rights and duties under conflict of interest laws;

(8) the right to bring or defend a cause of action related to or dependent on spousal status;

(9) group insurance for state employees; and

(10) workers' compensation benefits.

(b) A party to a civil union is included within any definition of or within the use of the following terms in any law:

(1) "spouse";

(2) "husband";

(3) "wife";

(4) "family";

(5) "immediate family";

(6) "dependent";

(7) "next of kin"; and

(8) any other term that denotes the spousal relationship.

Sec. 10.005. DISSOLUTION OF CIVIL UNION. To the extent practicable, the provisions of Subtitle C regarding dissolution of
a marriage apply to the dissolution of a civil union.

CHAPTER 11. CIVIL UNION LICENSE; CERTIFICATION

Sec. 11.001. CIVIL UNION LICENSE. Two persons of the same sex desiring to enter into a civil union must obtain a license from the county clerk of any county of this state.

Sec. 11.002. APPLICATION FOR LICENSE. Each person applying for a license must:

(1) appear before the county clerk;
(2) submit the person's proof of identity and age as provided by this chapter;
(3) provide the information applicable to that person for which spaces are provided in the application for a civil union license; and
(4) take the oath printed on the application and sign the application before the county clerk.

Sec. 11.003. PROOF OF IDENTITY AND AGE. (a) The county clerk shall require proof of the identity and age of each applicant.
(b) The proof must be established by a document that may be used to establish the identity and age of an applicant for a marriage license under Section 2.005(b).

Sec. 11.004. EXECUTION OF APPLICATION BY CLERK. The county clerk shall:

(1) determine that all necessary information is recorded on the application and that all necessary documents are submitted;
(2) administer the oath to each applicant;
(3) have each applicant sign the application in the
clerk's presence; and

(4) execute the clerk's certificate on the application.

Sec. 11.005. ISSUANCE OF LICENSE. On proper execution of the application, the clerk shall:

(1) prepare the license;

(2) enter on the license the names of the parties and the date on which the license is issued; and

(3) record the time at which the license was issued.

Sec. 11.006. RECORDING. The county clerk shall record all licenses issued by the clerk and all documents submitted with an application for a license or note a summary of the documents on the application.

Sec. 11.007. VIOLATION BY COUNTY CLERK; PENALTY. A county clerk who violates or fails to comply with this chapter commits an offense. An offense under this section is a Class C misdemeanor.

Sec. 11.008. EXPIRATION OF LICENSE. If a civil union is not certified before the 31st day after the date the license is issued, the civil union license expires.

Sec. 11.009. PERSONS AUTHORIZED TO CERTIFY CIVIL UNIONS. Any person who is authorized to conduct a marriage ceremony under Section 2.202 is authorized to certify a civil union.

Sec. 11.010. CIVIL UNION LICENSE REQUIRED FOR CERTIFICATION; PENALTY. (a) A person authorized under Section 11.009 to certify a civil union must require the parties to produce a civil union license before certifying the civil union.

(b) A person who fails to comply with this section commits
an offense. An offense under this section is a Class C misdemeanor.

Sec. 11.011. RETURN OF CERTIFICATE OF CIVIL UNION;
PENALTY. (a) The person who certifies a civil union shall record
on the license the date on which and the county in which the civil
union is certified and the person's name. The document containing
the information required by this subsection is known as a
certificate of civil union.

(b) Not later than the 30th day after the date the civil
union is certified, the person who certified the civil union shall
return the certificate of civil union to the county clerk who issued
the civil union license.

(c) A person who fails to comply with this section commits
an offense. An offense under this section is a Class C misdemeanor.

Sec. 11.012. RECORDING AND DELIVERY OF CERTIFICATE OF CIVIL
UNION. (a) The county clerk shall record a returned civil union
certificate and mail the certificate to the address indicated on
the application.

(b) On the application form the county clerk shall record:

(1) the date on which the civil union was certified;
(2) the county in which the civil union was certified;
and
(3) the name of the person who certified the civil
union.

SECTION 3. Section 3.401(5), Family Code, is amended to
read as follows:

(5) "Spouse" means a 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 4. Section 6.204, Family Code, is amended to read as follows:

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

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

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

(b) A marriage between persons of the same sex [or a civil union] is contrary to the public policy of this state and is void in this state.

(b) (c) The state or an agency or political subdivision of the state may not give effect to a:

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

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

SECTION 5. Section 810.001(h), Government Code, is amended to read as follows:
For purposes of this title, the state may not give effect to a:

(1) public act, record, or judicial proceeding that recognizes or validates a marriage [or civil union] between persons of the same sex; or

(2) right or claim asserted as a result of the purported marriage [or civil union].

SECTION 6. The heading to Chapter 194, Health and Safety Code, is amended to read as follows:

CHAPTER 194. MARRIAGE [AND] DIVORCE, AND CIVIL UNION RECORDS

SECTION 7. Sections 194.002(a), (c), (d), (e), and (f), Health and Safety Code, are amended to read as follows:

(a) The bureau of vital statistics shall prescribe a form for reporting divorces and annulments of marriage and civil union. The form must require the following information:

(1) each party's:
   (A) full name;
   (B) usual residence;
   (C) age;
   (D) place of birth;
   (E) color or race; and
   (F) number of children;

(2) the date and place of the parties' marriage or civil union;

(3) the date the divorce or annulment of marriage or civil union was granted; and

(4) the court and the style and docket number of the
case in which the divorce or annulment of marriage or civil union was granted.

(c) When an attorney presents a final judgment for a divorce or annulment of marriage or civil union to a court for a final decree, the attorney shall:

(1) enter on the form the information required under Subsection (a); and

(2) submit the report to the district clerk with the final judgment.

(d) Not later than the ninth day of each month, each district clerk shall file with the bureau of vital statistics a completed report for each divorce or annulment of marriage or civil union granted in the district court during the preceding calendar month. If a report does not include the information required by Subsection (a)(3) or (4), the clerk must complete that information on the report before the clerk files the report with the bureau.

(e) For each report that a district clerk files with the bureau of vital statistics under this section, the clerk may collect a $1 fee as costs in the case in which the divorce or annulment of marriage or civil union is granted.

(f) If the bureau of vital statistics determines that a report filed with the bureau under this section requires correction, the bureau shall mail the report form directly to an attorney of record with respect to the divorce or annulment of marriage or civil union. The attorney shall return the corrected report form to the bureau. If there is no attorney of record, the bureau shall mail the report form to the district clerk for
correction.

SECTION 8. Section 194.003, Health and Safety Code, is amended to read as follows:

Sec. 194.003. STATE INDEX. (a) The bureau of vital statistics shall maintain a statewide alphabetical index, under the names of both parties, of each marriage license application, declaration of informal marriage, and civil union application. The statewide index does not replace the indexes required in each county.

(b) The bureau of vital statistics shall maintain a statewide alphabetical index, under the names of both parties, of each report of divorce or annulment of a marriage or civil union.

SECTION 9. Section 194.004, Health and Safety Code, is amended to read as follows:

Sec. 194.004. RELEASE OF INFORMATION. (a) The bureau of vital statistics shall furnish on request any information it has on record relating to any marriage, civil union, divorce, or annulment of a marriage or civil union.

(b) The bureau of vital statistics may not issue:

(1) a certificate or a certified copy of information relating to a marriage or civil union; or

(2) a certified copy of a report of divorce or annulment of a marriage or civil union.

SECTION 10. Chapter 194, Health and Safety Code, is amended by adding Sections 194.006 and 194.007 to read as follows:

Sec. 194.006. REPORT OF CIVIL UNION. The county clerk shall file with the bureau of vital statistics a copy of each completed
civil union license application. The clerk shall file the copy not
later than the 90th day after the date of the application. The
clerk may not collect a fee for filing the copy.

Sec. 194.007. CIVIL UNION LICENSE APPLICATIONS. (a) The
board by rule shall prescribe the format and contents of the form
used for a civil union license application.

(b) The bureau of vital statistics shall print and
distribute the forms to each county clerk in the state.

(c) A county clerk may reproduce the board's form locally.

SECTION 11. Section 810.001(g), Government Code, is
repealed.

SECTION 12. The Department of State Health Services shall
prescribe the format and contents of a civil union license
application and distribute applications to each county clerk in the
state as required by Section 194.007, Health and Safety Code, as
added by this Act, not later than May 1, 2014.

SECTION 13. 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.