

By: Deuell

S.B. No. 1836

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the funding of the Texas Home Visiting Program;
3 authorizing voluntary contributions.

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

5 SECTION 1. Subsection (b), Section 2.004, Family Code, is
6 amended to read as follows:

7 (b) The application form must contain:

8 (1) a heading entitled "Application for Marriage
9 License, _____ County, Texas";

10 (2) spaces for each applicant's full name, including
11 the woman's maiden surname, address, social security number, if
12 any, date of birth, and place of birth, including city, county, and
13 state;

14 (3) a space for indicating the document tendered by
15 each applicant as proof of identity and age;

16 (4) spaces for indicating whether each applicant has
17 been divorced within the last 30 days;

18 (5) printed boxes for each applicant to check "true"
19 or "false" in response to the following statement: "I am not
20 presently married and the other applicant is not presently
21 married.";

22 (6) printed boxes for each applicant to check "true"
23 or "false" in response to the following statement: "The other
24 applicant is not related to me as:

- 1 (A) an ancestor or descendant, by blood or
2 adoption;
- 3 (B) a brother or sister, of the whole or half
4 blood or by adoption;
- 5 (C) a parent's brother or sister, of the whole or
6 half blood or by adoption;
- 7 (D) a son or daughter of a brother or sister, of
8 the whole or half blood or by adoption;
- 9 (E) a current or former stepchild or stepparent;
10 or
- 11 (F) a son or daughter of a parent's brother or
12 sister, of the whole or half blood or by adoption.";
- 13 (7) printed boxes for each applicant to check "true"
14 or "false" in response to the following statement: "I am not
15 presently delinquent in the payment of court-ordered child
16 support.";
- 17 (8) a printed oath reading: "I SOLEMNLY SWEAR (OR
18 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
19 CORRECT.";
- 20 (9) spaces immediately below the printed oath for the
21 applicants' signatures;
- 22 (10) a certificate of the county clerk that:
- 23 (A) each applicant made the oath and the date and
24 place that it was made; or
- 25 (B) an applicant did not appear personally but
26 the prerequisites for the license have been fulfilled as provided
27 by this chapter;

1 (11) spaces for indicating the date of the marriage
2 and the county in which the marriage is performed; [~~and~~]

3 (12) a space for the address to which the applicants
4 desire the completed license to be mailed; and

5 (13) a printed box for each applicant to check
6 indicating that the applicant wishes to make a voluntary
7 contribution of \$5 to promote healthy early childhood by supporting
8 the Texas Home Visiting Program administered by the Office of Early
9 Childhood Coordination of the Health and Human Services Commission.

10 SECTION 2. Subchapter H, Chapter 531, Government Code, is
11 amended by adding Section 531.287 to read as follows:

12 Sec. 531.287. TEXAS HOME VISITING PROGRAM TRUST FUND.

13 (a) The Texas Home Visiting Program trust fund is created as a
14 trust fund outside the treasury with the comptroller and shall be
15 administered by the office under this section and rules adopted by
16 the executive commissioner. Credits of money in the fund are not
17 state funds or subject to legislative appropriation.

18 (b) The trust fund consists of money from voluntary
19 contributions under Section 191.0048, Health and Safety Code, and
20 Section 118.018, Local Government Code.

21 (c) Money in the fund may be spent without appropriation by
22 the office only for the purpose of the Texas Home Visiting Program
23 administered by the commission.

24 (d) Interest and income from the assets of the trust fund
25 shall be credited to and deposited in the trust fund.

26 SECTION 3. Subchapter A, Chapter 191, Health and Safety
27 Code, is amended by adding Section 191.0048 to read as follows:

1 Sec. 191.0048. VOLUNTARY CONTRIBUTION TO TEXAS HOME
2 VISITING PROGRAM. (a) A person requesting a copy or certified
3 copy of a birth, marriage, or divorce record may make a voluntary
4 contribution of \$5 to promote healthy early childhood by supporting
5 the Texas Home Visiting Program administered by the Office of Early
6 Childhood Coordination of the Health and Human Services Commission.

7 (b) On each paper or electronic application form for a copy
8 or certified copy of a birth, marriage, or divorce record, the
9 bureau of vital statistics shall include a printed box for the
10 applicant to check indicating that the applicant wishes to make a
11 voluntary contribution of \$5 to promote healthy early childhood by
12 supporting the Texas Home Visiting Program administered by the
13 Office of Early Childhood Coordination of the Health and Human
14 Services Commission.

15 (c) Notwithstanding Section 191.0045, a local registrar or
16 county clerk may collect the additional voluntary contribution
17 under this section.

18 (d) Notwithstanding Section 191.005, the local registrar or
19 county clerk who collects the voluntary contribution under this
20 section shall send the voluntary contribution to the comptroller,
21 who shall deposit the voluntary contribution in the Texas Home
22 Visiting Program trust fund under Section 531.287, Government Code.

23 SECTION 4. Section 118.018, Local Government Code, is
24 amended by adding Subsection (c) to read as follows:

25 (c) A person applying for a marriage license may make a
26 voluntary contribution of \$5 to promote healthy early childhood by
27 supporting the Texas Home Visiting Program administered by the

1 Office of Early Childhood Coordination of the Health and Human
2 Services Commission. A county clerk shall collect the additional
3 voluntary contribution under this section.

4 SECTION 5. Section 118.022, Local Government Code, is
5 amended by amending Subsection (a) and adding Subsection (d) to
6 read as follows:

7 (a) If the county clerk collects a fee for issuing a
8 marriage license, the county clerk shall deposit, as provided by
9 Subchapter B, Chapter 133:

10 (1) \$20 of each fee collected for issuing a marriage
11 license or \$12.50 of each fee for recording a declaration of
12 informal marriage to be sent to the comptroller and deposited as
13 provided by Subsection (b); ~~and~~

14 (2) \$10 of each fee collected for issuing a marriage
15 license to be sent to the comptroller and deposited as provided by
16 Subsection (c); and

17 (3) if applicable, the \$5 voluntary contribution
18 collected to promote healthy early childhood by supporting the
19 Texas Home Visiting Program administered by the Office of Early
20 Childhood Coordination of the Health and Human Services Commission
21 to be sent to the comptroller and deposited as provided by
22 Subsection (d).

23 (d) The comptroller shall deposit the money received under
24 Subsection (a)(3) in the Texas Home Visiting Program trust fund
25 under Section 531.287, Government Code.

26 SECTION 6. The change in law made by this Act applies only
27 to a person who applies for a marriage license or requests a copy or

1 certified copy of a birth, marriage, or divorce record on or after
2 January 1, 2014.

3 SECTION 7. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2013.