

By: Bell

H.B. No. 1745

A BILL TO BE ENTITLED

AN ACT

relating to the funding and issuing of marriage licenses and certifications and the recognition of certain marriages.

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

SECTION 1. (a) This Act may be cited as the Preservation of Sovereignty and Marriage Act.

(b) The purpose of the Preservation of Sovereignty and Marriage Act is to clarify that no state or local governmental employee may be compelled to recognize a marriage or grant or enforce a marriage license that violates a personal religious belief.

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

CHAPTER 1A. SECRETARY OF STATE

Sec. 1A.001. ISSUER OF MARRIAGE LICENSES. (a) The secretary of state is the sole issuer of marriage licenses or certificates or declarations of informal marriage in this state.

(b) The secretary of state shall perform the secretary's duties under this chapter in compliance with Section 32, Article I, Texas Constitution.

Sec. 1A.002. LOCAL AGREEMENTS FOR DELEGATION; RULES. (a) The secretary of state may adopt rules for county clerks to issue marriage licenses and certify declarations of informal marriage under the supervision of the secretary of state.

1       (b) The secretary of state may withhold or withdraw  
2 authorization for a county clerk to issue marriage licenses or  
3 certify declarations of informal marriage if the clerk:

4           (1) violates this chapter, Chapter 2, or the rules of  
5 the secretary of state; or

6           (2) issues a marriage license or certifies a  
7 declaration of informal marriage inconsistent with the provisions  
8 of Section 32, Article I, Texas Constitution.

9       SECTION 3. Chapter 2, Family Code, is amended by adding  
10 Subchapter G to read as follows:

11                   SUBCHAPTER G. PUBLIC POLICY

12       Sec. 2.601. RECOGNITION AND FUNDING FOR CERTAIN VOIDABLE  
13 MARRIAGES. (a) State or local funds may not be used for an activity  
14 that includes the licensing, registering, certifying, or support of  
15 a marriage not defined by Section 32, Article I, Texas  
16 Constitution.

17       (b) A state or local governmental employee may not  
18 recognize, grant, or enforce a marriage license or certification or  
19 declaration of informal marriage, except a license or certification  
20 for a marriage that conforms to Section 32, Article I, Texas  
21 Constitution.

22       (c) State or local funds may not be used to enforce an order  
23 requiring the issuance or recognition of a marriage license or  
24 certification or declaration of informal marriage, except a  
25 marriage license or certification or declaration of informal  
26 marriage defined under Section 32, Article I, Texas Constitution.

27       SECTION 4. The severability provisions of Section 311.032,

1 Government Code, apply to this Act.

2           SECTION 5. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2015.