

By: Bell, Fletcher, Springer, et al.

H.B. No. 4105

Substitute the following for H.B. No. 4105:

By: Cook

C.S.H.B. No. 4105

A BILL TO BE ENTITLED

AN ACT

relating to the issuance, enforcement, and recognition of marriage licenses and declarations of informal marriage.

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

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

SECTION 2. The purpose of this Act is to affirm that the definition and regulation of marriage is within the sole authority and realm of the separate states and the people within those states.

SECTION 3. Subchapter B, Chapter 1, Family Code, is amended by adding Section 1.109 to read as follows:

Sec. 1.109. CERTAIN MARRIAGE LICENSES AND DECLARATIONS OF INFORMAL MARRIAGE PROHIBITED. (a) This state or a political subdivision of this state may not use any funds to issue, enforce, or recognize a marriage license or declaration of informal marriage for a union other than a union between one man and one woman.

(b) An employee or official of this state or a political subdivision of this state may not issue, enforce, or recognize a marriage license or declaration of informal marriage for a union other than a union between one man and one woman.

(c) This state or a political subdivision of this state may not use any funds to enforce an order requiring the issuance, enforcement, or recognition of a marriage license or declaration of informal marriage for a union other than a union between one man and

1 one woman.

2 SECTION 4. Section 194.001, Health and Safety Code, is
3 amended by adding Subsection (c) to read as follows:

4 (c) A county clerk may not file, and the vital statistics
5 unit may not enter into the vital statistics system, a document copy
6 described by Subsection (a) or (b) that is associated with a union
7 other than a union between one man and one woman. If the vital
8 statistics unit determines that the document copy is associated
9 with a union other than a union between one man and one woman, the
10 vital statistics unit shall provide the document copy to the
11 attorney general.

12 SECTION 5. Section 118.018, Local Government Code, is
13 amended by adding Subsection (d) to read as follows:

14 (d) If a state agency determines that a marriage license fee
15 was collected for a marriage license that is associated with a union
16 other than a union between one man and one woman, the county clerk
17 shall remit \$30 to the comptroller. The comptroller shall deposit
18 funds remitted under this subsection into the general revenue fund.

19 SECTION 6. Section 118.019, Local Government Code, is
20 amended to read as follows:

21 Sec. 118.019. DECLARATION OF INFORMAL MARRIAGE. (a) The
22 fee for "Declaration of Informal Marriage" under Section 118.011 is
23 for all services rendered in connection with the execution of a
24 declaration of informal marriage under Section 2.402 [~~1.92~~], Family
25 Code. The fee shall be collected at the time the service is
26 rendered.

27 (b) If a state agency determines that a declaration of

1 informal marriage fee was collected for a declaration of informal
2 marriage that is associated with a union other than a union between
3 one man and one woman, the county clerk shall remit \$12.50 to the
4 comptroller. The comptroller shall deposit funds remitted under
5 this subsection into the general revenue fund.

6 SECTION 7. Except as otherwise provided by this section,
7 Section 194.001(c), Health and Safety Code, and Sections 118.018(d)
8 and 118.019(b), Local Government Code, as added by this Act, apply
9 only to a marriage license issued or declaration of informal
10 marriage recorded on or after the effective date of this Act. If
11 this Act takes effect before June 1, 2015, Section 194.001(c),
12 Health and Safety Code, and Sections 118.018(d) and 118.019(b),
13 Local Government Code, as added by this Act, do not apply to a
14 marriage license issued or declaration of informal marriage
15 recorded before that date.

16 SECTION 8. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2015.