

By: Bell

H.B. No. 4105

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the funding, issuing, and litigation of certain  
3 marriage licenses.

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

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

7 SECTION 2. Section 2.001, Family Code, is amended to read as  
8 follows:

9 (c) State or local funds may not be used for an activity that  
10 includes the licensing or support of a same-sex marriage.

11 (d) A state or local governmental employee may not  
12 recognize, grant, or enforce a same-sex marriage license.

13 (e) State or local funds may not be used to enforce an order  
14 requiring the issuance or recognition of a same-sex marriage  
15 license.

16 SECTION 3. Sec. 118.022, Local Government Code, is amended  
17 to read as follows:

18 (a) If the county clerk collects a fee for issuing a  
19 marriage license, the county clerk shall remit monthly to the  
20 Comptroller any amount collected for the application of a marriage  
21 license [deposit], as provided by Subchapter B, Chapter 133[+].

22 (1) \$20 of each fee collected for issuing a marriage  
23 license or \$12.50 of each fee for recording a declaration of  
24 informal marriage shall be [~~to be sent to the comptroller and~~]

1 deposited as provided by Subsection (b);

2 (2) \$10 of each fee collected for issuing a marriage  
3 license shall be ~~[to be sent to the comptroller and]~~ deposited as  
4 provided by Subsection (c); and

5 (3) if applicable, the \$5 voluntary contribution  
6 collected to promote healthy early childhood by supporting the  
7 Texas Home Visiting Program administered by the Office of Early  
8 Childhood Coordination of the Health and Human Services Commission  
9 shall be ~~[to be sent to the comptroller and]~~ deposited as provided  
10 by Subsection (d).

11 (b) The comptroller shall deposit the money received under  
12 Subsection (a)(1) to the credit of the child abuse and neglect  
13 prevention trust fund account established under Section 40.105,  
14 Human Resources Code.

15 (c) The comptroller shall deposit the money received under  
16 Subsection (a)(2) to the credit of the family trust fund account  
17 established under Section 2.014, Family Code.

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

21 (e) The Comptroller shall return any remaining fees  
22 collected in compliance with Family Code 2.001(b). Any fees that  
23 cannot be returned shall be deposited to General Revenue.

24 SECTION 4. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.