

Amend CSSB 522 (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 2.001(a), Family Code (page 2, line 1), strike "A man and a woman" and substitute "Two individuals [~~A man and a woman~~]".

(2) In SECTION 5 of the bill, in amended Section 2.004(b)(2), Family Code (page 2, line 42), strike "woman's maiden surname" and substitute "~~[woman's maiden]~~ surname of any applicant intending to change the applicant's surname as a result of the marriage".

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 1, Family Code, is amended by adding Section 1.0015 to read as follows:

Sec. 1.0015. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY. When necessary to implement the rights and duties of spouses or parents in a marriage between persons of the same sex under the laws of this state, gender-specific terminology must be construed in a neutral manner to refer to a person of either gender.

SECTION _____. Section 2.401(a), Family Code, is amended to read as follows:

(a) In a judicial, administrative, or other proceeding, the marriage of two individuals [~~a man and woman~~] may be proved by evidence that:

(1) a declaration of their marriage has been signed as provided by this subchapter; or

(2) the individuals [~~man and woman~~] agreed to be married and after the agreement they lived together in this state as spouses [~~husband and wife~~] and there represented to others that they were married.

SECTION _____. Section 2.402(b), Family Code, is amended to read as follows:

(b) The declaration form must contain:

(1) a heading entitled "Declaration and Registration of Informal Marriage, _____ County, Texas";

(2) spaces for each party's full name, including the ~~[woman's maiden]~~ surname of a party intending to change the party's surname as a result of the marriage, address, date of birth, place

of birth, including city, county, and state, and social security number, if any;

(3) a space for indicating the type of document tendered by each party as proof of age and identity;

(4) printed boxes for each party to check "true" or "false" in response to the following statement: "The other party is not related to me as:

(A) an ancestor or descendant, by blood or adoption;

(B) a brother or sister, of the whole or half blood or by adoption;

(C) a parent's brother or sister, of the whole or half blood or by adoption;

(D) a son or daughter of a brother or sister, of the whole or half blood or by adoption;

(E) a current or former stepchild or stepparent;
or

(F) a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption.";

(5) a printed declaration and oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS SPOUSES [~~HUSBAND AND WIFE~~] AND IN THIS STATE WE REPRESENTED TO OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE OTHER PARTY I HAVE NOT BEEN MARRIED TO ANY OTHER PERSON. THIS DECLARATION IS TRUE AND THE INFORMATION IN IT WHICH I HAVE GIVEN IS CORRECT.";

(6) spaces immediately below the printed declaration and oath for the parties' signatures; and

(7) a certificate of the county clerk that the parties made the declaration and oath and the place and date it was made.

SECTION _____. Section 3.401, Family Code, is amended by adding Subdivision (1) and amending Subdivisions (4) and (5) to read as follows:

(1) "Civil union" means any relationship status other than marriage that:

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

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

(4) "Marital estate" means one of three estates:

(A) the community property owned by the spouses together and referred to as the community marital estate; or

(B) the separate property owned individually by each spouse [~~the husband~~] and referred to as a separate marital estate [~~, or~~

~~[(C) the separate property owned individually by the wife, also referred to as a separate marital estate].~~

(5) "Spouse" means one of the two individuals who are the parties to:

(A) a marriage; or

(B) [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 _____. Section 6.104(b), Family Code, is amended to read as follows:

(b) In exercising its discretion, the court shall consider the pertinent facts concerning the welfare of the parties to the marriage, including whether a spouse [~~the female~~] is pregnant.

SECTION _____. Section 6.202(b), Family Code, is amended to read as follows:

(b) The later marriage that is void under this section becomes valid when the prior marriage is dissolved if, after the date of the dissolution, the parties have lived together as spouses [~~husband and wife~~] and represented themselves to others as being married.

SECTION _____. Section 6.203, Family Code, is amended to read as follows:

Sec. 6.203. CERTAIN VOID MARRIAGES VALIDATED. Except for a marriage that would have been void under Section 6.201, a marriage that was entered into before January 1, 1970, in violation of the

prohibitions of Article 496, Penal Code of Texas, 1925, is validated from the date the marriage commenced if the parties continued until January 1, 1970, to live together as spouses [~~husband and wife~~] and to represent themselves to others as being married.

SECTION _____. Section 6.704, Family Code, is amended to read as follows:

Sec. 6.704. TESTIMONY OF SPOUSE [~~HUSBAND OR WIFE~~]. (a) In a suit for dissolution of a marriage, each spouse is a [~~the husband and wife are~~] competent witness [~~witnesses~~] for and against the [~~each~~] other spouse. A spouse may not be compelled to testify as to a matter that will incriminate the spouse.

(b) If a spouse [~~the husband or wife~~] testifies, the court or jury trying the case shall determine the credibility of the witness and the weight to be given the witness's testimony.

SECTION _____. Chapter 51, Family Code, is amended by adding Section 51.015 to read as follows:

Sec. 51.015. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY. When necessary to implement the rights and duties of spouses or parents in a marriage between persons of the same sex under the laws of this state, gender-specific terminology must be construed in a neutral manner to refer to a person of either gender.

SECTION _____. Chapter 101, Family Code, is amended by adding Section 101.0012 to read as follows:

Sec. 101.0012. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY. When necessary to implement the rights and duties of spouses or parents in a marriage between persons of the same sex under the laws of this state, gender-specific terminology must be construed in a neutral manner to refer to a person of either gender.

SECTION _____. Section 101.024(a), Family Code, is amended to read as follows:

(a) "Parent" means the mother, a man presumed to be the father, an individual [~~a man~~] legally determined to be a parent [~~the father~~], an individual [~~a man~~] who has been adjudicated to be a parent [~~the father~~] by a court of competent jurisdiction, a man who has acknowledged his parentage [~~paternity~~] under applicable law, or an adoptive mother or father. Except as provided by Subsection (b),

the term does not include a parent as to whom the parent-child relationship has been terminated.

SECTION _____. Section 108.009(b), Family Code, is amended to read as follows:

(b) The new certificate may not show that a parent-child [~~the father and child~~] relationship was established after the child's birth but may show the child's actual place and date of birth.

SECTION _____. Section 152.310(d), Family Code, is amended to read as follows:

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of spouses [~~husband and wife~~] or parent and child may not be invoked in a proceeding under this subchapter.

SECTION _____. Section 153.312(b), Family Code, is amended to read as follows:

(b) The following provisions govern possession of the child for vacations and certain specific holidays and supersede conflicting weekend or Thursday periods of possession. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator shall have possession in even-numbered years, beginning at 6 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same period in odd-numbered years;

(2) if a possessory conservator:

(A) gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 30 days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6 p.m. on each

applicable day; or

(B) does not give the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 30 consecutive days beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31;

(3) if the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator shall have possession of the child on any one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of possession by the possessory conservator under Subdivision (2), provided that the managing conservator picks up the child from the possessory conservator and returns the child to that same place; and

(4) if the managing conservator gives the possessory conservator written notice by April 15 of each year or gives the possessory conservator 14 days' written notice on or after April 16 of each year, the managing conservator may designate one weekend beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by the possessory conservator will not take place, provided that the weekend designated does not interfere with the possessory conservator's period or periods of extended summer possession or with Father's Day if the possessory conservator is a [the] father of the child who is entitled to possession of the child for Father's Day weekend that year.

SECTION _____. Sections 153.313 and 153.314, Family Code, are amended to read as follows:

Sec. 153.313. PARENTS WHO RESIDE OVER 100 MILES APART. If the possessory conservator resides more than 100 miles from the residence of the child, the possessory conservator shall have the right to possession of the child as follows:

(1) either regular weekend possession beginning on the first, third, and fifth Friday as provided under the terms applicable to parents who reside 100 miles or less apart or not more

than one weekend per month of the possessory conservator's choice beginning at 6 p.m. on the day school recesses for the weekend and ending at 6 p.m. on the day before school resumes after the weekend, provided that the possessory conservator gives the managing conservator 14 days' written or telephonic notice preceding a designated weekend, and provided that the possessory conservator elects an option for this alternative period of possession by written notice given to the managing conservator within 90 days after the parties begin to reside more than 100 miles apart, as applicable;

(2) each year beginning at 6 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation;

(3) if the possessory conservator:

(A) gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 42 days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6 p.m. on each applicable day; or

(B) does not give the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 42 consecutive days beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27;

(4) if the managing conservator gives the possessory conservator written notice by April 15 of each year the managing conservator shall have possession of the child on one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of possession by the possessory conservator under Subdivision (3), provided that if a period of possession by the possessory conservator exceeds 30 days, the

managing conservator may have possession of the child under the terms of this subdivision on two nonconsecutive weekends during that time period, and further provided that the managing conservator picks up the child from the possessory conservator and returns the child to that same place; and

(5) if the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator may designate 21 days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6 p.m. on each applicable day, during which the possessory conservator may not have possession of the child, provided that the period or periods so designated do not interfere with the possessory conservator's period or periods of extended summer possession or with Father's Day if the possessory conservator is a [the] father of the child who is entitled to possession of the child for Father's Day weekend that year.

Sec. 153.314. HOLIDAY POSSESSION UNAFFECTED BY DISTANCE PARENTS RESIDE APART. The following provisions govern possession of the child for certain specific holidays and supersede conflicting weekend or Thursday periods of possession without regard to the distance the parents reside apart. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator shall have possession of the child in even-numbered years beginning at 6 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and the managing conservator shall have possession for the same period in odd-numbered years;

(2) the possessory conservator shall have possession of the child in odd-numbered years beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for

the same period in even-numbered years;

(3) the possessory conservator shall have possession of the child in odd-numbered years, beginning at 6 p.m. on the day the child is dismissed from school before Thanksgiving and ending at 6 p.m. on the following Sunday, and the managing conservator shall have possession for the same period in even-numbered years;

(4) the parent not otherwise entitled under this standard possession order to present possession of a child on the child's birthday shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that the parent picks up the child from the residence of the conservator entitled to possession and returns the child to that same place;

(5) if a conservator, the father shall have possession of the child beginning at 6 p.m. on the Friday preceding Father's Day and ending on Father's Day at 6 p.m., provided that, if he is not otherwise entitled under this standard possession order to present possession of the child, he picks up the child from the residence of the conservator entitled to possession and returns the child to that same place, except that if the child has two fathers appointed as conservators, the managing conservator shall have possession of the child for the period described by this subdivision in even-numbered years and the possessory conservator shall have possession of the child for that period in odd-numbered years; and

(6) if a conservator, the mother shall have possession of the child beginning at 6 p.m. on the Friday preceding Mother's Day and ending on Mother's Day at 6 p.m., provided that, if she is not otherwise entitled under this standard possession order to present possession of the child, she picks up the child from the residence of the conservator entitled to possession and returns the child to that same place, except that if the child has two mothers appointed as conservators, the managing conservator shall have possession of the child for the period described by this subdivision in even-numbered years and the possessory conservator shall have possession of the child for that period in odd-numbered years.

SECTION ____ . Section 85.007(b), Health and Safety Code, is amended to read as follows:

(b) The materials in the education programs intended for persons younger than 18 years of age must[+]

~~[(1)]~~ emphasize sexual abstinence before marriage and fidelity in marriage as the expected standard in terms of public health and the most effective ways to prevent HIV infection, sexually transmitted diseases, and unwanted pregnancies[~~, and~~

~~[(2) state that homosexual conduct is not an acceptable lifestyle and is a criminal offense under Section 21.06, Penal Code].~~

SECTION _____. Section 163.001(a), Health and Safety Code, is amended to read as follows:

(a) The department shall develop a model public health education program suitable for school-age children and shall make the program available to any person on request. The program should emphasize:

(1) that abstinence from sexual intercourse is the most effective protection against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually;

(2) that abstinence from sexual intercourse outside of ~~[lawful]~~ marriage is the expected societal standard for school-age unmarried persons; and

(3) the physical, emotional, and psychological dangers of substance abuse, including the risk of acquired immune deficiency syndrome (AIDS) through the sharing of needles during intravenous drug usage.

SECTION _____. Section 163.002, Health and Safety Code, is amended to read as follows:

Sec. 163.002. INSTRUCTIONAL ELEMENTS. Course materials and instruction relating to sexual education or sexually transmitted diseases should include:

(1) an emphasis on sexual abstinence as the only completely reliable method of avoiding unwanted teenage pregnancy and sexually transmitted diseases;

(2) an emphasis on the importance of self-control, responsibility, and ethical conduct in making decisions relating to sexual behavior;

(3) statistics, based on the latest medical information, that indicate the efficacy of the various forms of contraception;

(4) information concerning the laws relating to the financial responsibilities associated with pregnancy, childbirth, and child rearing;

(5) information concerning the laws prohibiting sexual abuse and the legal and counseling options available to victims of sexual abuse;

(6) information on how to cope with and rebuff unwanted physical and verbal sexual advances, as well as the importance of avoiding the sexual exploitation of other persons;
and

(7) psychologically sound methods of resisting unwanted peer pressure[~~and~~

~~[(8) emphasis, provided in a factual manner and from a public health perspective, that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under Section 21.06, Penal Code].~~

SECTION _____. Section 191.0046(b), Health and Safety Code, is amended to read as follows:

(b) The state registrar shall issue without fee a certified copy of a record not otherwise prohibited by law to a veteran or to the veteran's widow or widower, orphan, or other dependent if the copy is for use in settling a claim against the government.

SECTION _____. Section 193.006(a), Health and Safety Code, is amended to read as follows:

(a) This section applies to the death certificate of a person who:

(1) served in a war, campaign, or expedition of the United States, the Confederate States of America, or the Republic of Texas;

(2) was the spouse, widower, [~~wife~~] or widow of a person who served in a war, campaign, or expedition of the United States, the Confederate States of America, or the Republic of Texas; or

(3) at the time of death was in the service of the

United States.

SECTION _____. Section 574.045(d), Health and Safety Code, is amended to read as follows:

(d) A female patient must be accompanied by a female attendant unless the patient is accompanied by her father, male spouse [~~husband~~], or adult brother or son.

SECTION _____. The following provisions are repealed:

- (1) Sections 2.001(b) and 6.204, Family Code; and
- (2) Section 21.06, Penal Code.

SECTION _____. The change in law made by this Act to Section 108.009(b), Family Code, applies only to a new birth certificate for a child born on or after the effective date of this Act. A new birth certificate for a child born before that date is governed by the law in effect on the date the child was born, and the former law is continued in effect for that purpose.

SECTION _____. The changes in law made by this Act to Sections 153.312(b), 153.313, and 153.314, Family Code, apply only to a court order providing for possession of or access to a child rendered on or after the effective date of this Act. A court order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.