

1-1 By: Birdwell, Perry S.B. No. 522
 1-2 (In the Senate - Filed January 19, 2017; February 6, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 3, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 1; April 3, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | | X | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 522 By: Birdwell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to issuing a marriage license and conducting a marriage
 1-22 ceremony.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter A, Chapter 2, Family Code, is amended
 1-25 by adding Sections 2.0001 and 2.0002 to read as follows:

1-26 Sec. 2.0001. DEFINITION: CERTIFYING OFFICIAL. In this
 1-27 chapter, "certifying official" means a person, other than the
 1-28 county clerk, authorized to certify a completed application for a
 1-29 marriage license, administer the oath, and issue the license.

1-30 Sec. 2.0002. FUNCTIONS OF CERTIFYING OFFICIAL. (a) This
 1-31 section applies only to a county in which the county clerk has
 1-32 notified the commissioners court of a sincerely held religious
 1-33 belief under Section 2.603.

1-34 (b) The county clerk in the county in which an application
 1-35 for a marriage license is filed may delegate the duty to certify the
 1-36 application, administer the oath, and issue the license to a deputy
 1-37 clerk if the deputy clerk is willing and available to perform those
 1-38 functions.

1-39 (c) A judge or magistrate who is willing and available to
 1-40 certify an application for a marriage license, administer the oath,
 1-41 and issue the license may act as the certifying official in any
 1-42 county, regardless of whether the magistrate or judge normally has
 1-43 jurisdiction in that county.

1-44 (d) If the commissioners court of a county determines that a
 1-45 county clerk has made a notification under Section 2.603 and an
 1-46 insufficient number of deputy county clerks, judges, or magistrates
 1-47 in the county are willing and available to certify an application
 1-48 for a marriage license, administer the oath, and issue the license,
 1-49 the commissioners court shall designate one or more county
 1-50 employees or employ or contract with one or more individuals to
 1-51 provide those services as a certifying official under Section
 1-52 81.035, Local Government Code. A certifying official contracted
 1-53 with under this subsection is not required to be an employee of the
 1-54 county.

1-55 (e) A certifying official under this section is not
 1-56 authorized to perform the functions of a county clerk other than
 1-57 certifying a completed marriage license application, administering
 1-58 the oath, and issuing the license.

1-59 SECTION 2. Section 2.001(a), Family Code, is amended to
 1-60 read as follows:

2-1 (a) A man and a woman desiring to enter into a ceremonial
2-2 marriage must obtain a marriage license from the county clerk of any
2-3 county of this state or a certifying official.

2-4 SECTION 3. Section 2.002, Family Code, is amended to read as
2-5 follows:

2-6 Sec. 2.002. APPLICATION FOR LICENSE. Except as provided by
2-7 Section 2.006, each person applying for a license must~~+~~

2-8 ~~[(1)]~~ appear before the county clerk or certifying
2-9 official, in person or by telephone or electronic means, and, in any
2-10 order, shall: [+]

2-11 (1) ~~[(2)]~~ submit the person's proof of identity and
2-12 age as provided by Section 2.005(b);

2-13 (2) ~~[(3)]~~ provide the information applicable to that
2-14 person for which spaces are provided in the application for a
2-15 marriage license;

2-16 (3) ~~[(4)]~~ mark the appropriate boxes provided in the
2-17 application; ~~[and]~~

2-18 (4) ~~[(5)]~~ take the oath printed on the application
2-19 administered by the county clerk or certifying official; and

2-20 (5) sign the application ~~[before the county clerk]~~.

2-21 SECTION 4. Section 2.003, Family Code, is amended to read as
2-22 follows:

2-23 Sec. 2.003. APPLICATION FOR LICENSE BY MINOR. In addition
2-24 to the other requirements provided by this chapter, a person under
2-25 18 years of age applying for a license must provide to the county
2-26 clerk or certifying official:

2-27 (1) documents establishing, as provided by Section
2-28 2.102, parental consent for the person to the marriage;

2-29 (2) documents establishing that a prior marriage of
2-30 the person has been dissolved; or

2-31 (3) a court order granted under Section 2.103
2-32 authorizing the marriage of the person.

2-33 SECTION 5. Sections 2.004(a) and (b), Family Code, are
2-34 amended to read as follows:

2-35 (a) The county clerk or certifying official shall furnish
2-36 the application form as prescribed by the bureau of vital
2-37 statistics.

2-38 (b) The application form must contain:

2-39 (1) a heading entitled "Application for Marriage
2-40 License, _____ County, Texas";

2-41 (2) spaces for each applicant's full name, including
2-42 the woman's maiden surname, address, social security number, if
2-43 any, date of birth, and place of birth, including city, county, and
2-44 state;

2-45 (3) a space for indicating the document tendered by
2-46 each applicant as proof of identity and age;

2-47 (4) spaces for indicating whether each applicant has
2-48 been divorced within the last 30 days;

2-49 (5) printed boxes for each applicant to check "true"
2-50 or "false" in response to the following statement: "I am not
2-51 presently married and the other applicant is not presently
2-52 married.";

2-53 (6) printed boxes for each applicant to check "true"
2-54 or "false" in response to the following statement: "The other
2-55 applicant is not related to me as:

2-56 (A) an ancestor or descendant, by blood or
2-57 adoption;

2-58 (B) a brother or sister, of the whole or half
2-59 blood or by adoption;

2-60 (C) a parent's brother or sister, of the whole or
2-61 half blood or by adoption;

2-62 (D) a son or daughter of a brother or sister, of
2-63 the whole or half blood or by adoption;

2-64 (E) a current or former stepchild or stepparent;
2-65 or

2-66 (F) a son or daughter of a parent's brother or
2-67 sister, of the whole or half blood or by adoption.";

2-68 (7) printed boxes for each applicant to check "true"
2-69 or "false" in response to the following statement: "I am not

3-1 presently delinquent in the payment of court-ordered child
 3-2 support.";

3-3 (8) a printed oath reading: "I SOLEMNLY SWEAR (OR
 3-4 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
 3-5 CORRECT.";

3-6 (9) spaces immediately below the printed oath for the
 3-7 applicants' signatures;

3-8 (10) a certificate of the county clerk or certifying
 3-9 official that:

3-10 (A) each applicant made the oath and the date and
 3-11 place that the oath [~~it~~] was made; or

3-12 (B) an applicant did not appear personally but
 3-13 the prerequisites for the license have been fulfilled as provided
 3-14 by this chapter;

3-15 (11) spaces for indicating the date of the marriage
 3-16 and the county in which the marriage is performed;

3-17 (12) a space for the address to which the applicants
 3-18 desire the completed license to be mailed; and

3-19 (13) a printed box for each applicant to check
 3-20 indicating that the applicant wishes to make a voluntary
 3-21 contribution of \$5 to promote healthy early childhood by supporting
 3-22 the Texas Home Visiting Program administered by the Office of Early
 3-23 Childhood Coordination of the Health and Human Services Commission.

3-24 SECTION 6. Sections 2.005(a) and (b), Family Code, are
 3-25 amended to read as follows:

3-26 (a) The county clerk or certifying official shall require
 3-27 proof of the identity and age of each applicant.

3-28 (b) The proof must be established by:

3-29 (1) a driver's license or identification card issued
 3-30 by this state, another state, or a Canadian province that is current
 3-31 or has expired not more than two years preceding the date the
 3-32 identification is submitted to the county clerk or certifying
 3-33 official in connection with an application for a license;

3-34 (2) a United States passport;

3-35 (3) a current passport issued by a foreign country or a
 3-36 consular document issued by a state or national government;

3-37 (4) an unexpired Certificate of United States
 3-38 Citizenship, Certificate of Naturalization, United States Citizen
 3-39 Identification Card, Permanent Resident Card, Temporary Resident
 3-40 Card, Employment Authorization Card, or other document issued by
 3-41 the federal Department of Homeland Security or the United States
 3-42 Department of State including an identification photograph;

3-43 (5) an unexpired military identification card for
 3-44 active duty, reserve, or retired personnel with an identification
 3-45 photograph;

3-46 (6) an original or certified copy of a birth
 3-47 certificate issued by a bureau of vital statistics for a state or a
 3-48 foreign government;

3-49 (7) an original or certified copy of a Consular Report
 3-50 of Birth Abroad or Certificate of Birth Abroad issued by the United
 3-51 States Department of State;

3-52 (8) an original or certified copy of a court order
 3-53 relating to the applicant's name change or sex change;

3-54 (9) school records from a secondary school or
 3-55 institution of higher education;

3-56 (10) an insurance policy continuously valid for the
 3-57 two years preceding the date of the application for a license;

3-58 (11) a motor vehicle certificate of title;

3-59 (12) military records, including documentation of
 3-60 release or discharge from active duty or a draft record;

3-61 (13) an unexpired military dependent identification
 3-62 card;

3-63 (14) an original or certified copy of the applicant's
 3-64 marriage license or divorce decree;

3-65 (15) a voter registration certificate;

3-66 (16) a pilot's license issued by the Federal Aviation
 3-67 Administration or another authorized agency of the United States;

3-68 (17) a license to carry a handgun under Subchapter H,
 3-69 Chapter 411, Government Code;

4-1 (18) a temporary driving permit or a temporary
4-2 identification card issued by the Department of Public Safety; or
4-3 (19) an offender identification card issued by the
4-4 Texas Department of Criminal Justice.

4-5 SECTION 7. Section 2.006, Family Code, is amended to read as
4-6 follows:

4-7 Sec. 2.006. ABSENT APPLICANT. (a) If an applicant is
4-8 unable to appear personally before the county clerk or to appear
4-9 personally or by telephone or electronic means before the
4-10 certifying official to apply for a marriage license, any adult
4-11 person or the other applicant may apply on behalf of the absent
4-12 applicant.

4-13 (b) The person applying on behalf of an absent applicant
4-14 shall provide to the clerk or certifying official:

4-15 (1) notwithstanding Section 132.001, Civil Practice
4-16 and Remedies Code, the notarized affidavit of the absent applicant
4-17 as provided by this subchapter;

4-18 (2) proof of the identity and age of the absent
4-19 applicant under Section 2.005(b); and

4-20 (3) if required because the absent applicant is a
4-21 person under 18 years of age, documents establishing that a prior
4-22 marriage has been dissolved, a court order authorizing the marriage
4-23 of the absent, underage applicant, or documents establishing
4-24 consent by a parent or a person who has legal authority to consent
4-25 to the marriage, including:

4-26 (A) proof of identity of the parent or person
4-27 with legal authority to consent to the marriage under Section
4-28 2.005(b); and

4-29 (B) proof that the parent or person has the legal
4-30 authority to consent to the marriage for the applicant under rules
4-31 adopted under Section 2.102(j).

4-32 (c) Notwithstanding Subsection (a), the clerk or certifying
4-33 official may not issue a marriage license for which both applicants
4-34 are absent unless the person applying on behalf of each absent
4-35 applicant provides to the clerk or certifying official an affidavit
4-36 of the applicant declaring that the applicant is a member of the
4-37 armed forces of the United States stationed in another country in
4-38 support of combat or another military operation.

4-39 SECTION 8. Section 2.007, Family Code, is amended to read as
4-40 follows:

4-41 Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT. The affidavit of
4-42 an absent applicant must include:

4-43 (1) the absent applicant's full name, including the
4-44 maiden surname of a female applicant, address, date of birth, place
4-45 of birth, including city, county, and state, citizenship, and
4-46 social security number, if any;

4-47 (2) a declaration that the absent applicant has not
4-48 been divorced within the last 30 days;

4-49 (3) a declaration that the absent applicant is:

4-50 (A) not presently married; or

4-51 (B) married to the other applicant and they wish
4-52 to marry again;

4-53 (4) a declaration that the other applicant is not
4-54 presently married and is not related to the absent applicant as:

4-55 (A) an ancestor or descendant, by blood or
4-56 adoption;

4-57 (B) a brother or sister, of the whole or half
4-58 blood or by adoption;

4-59 (C) a parent's brother or sister, of the whole or
4-60 half blood or by adoption;

4-61 (D) a son or daughter of a brother or sister, of
4-62 the whole or half blood or by adoption;

4-63 (E) a current or former stepchild or stepparent;
4-64 or

4-65 (F) a son or daughter of a parent's brother or
4-66 sister, of the whole or half blood or by adoption;

4-67 (5) a declaration that the absent applicant desires to
4-68 marry and the name, age, and address of the person to whom the
4-69 absent applicant desires to be married;

5-1 (6) the approximate date on which the marriage is to
5-2 occur;

5-3 (7) the reason the absent applicant is unable to
5-4 appear personally before the county clerk or to appear personally
5-5 or by telephone or electronic means before the certifying official
5-6 for the issuance of the license; and

5-7 (8) the appointment of any adult, other than the other
5-8 applicant, to act as proxy for the purpose of participating in the
5-9 ceremony, if the absent applicant is:

5-10 (A) a member of the armed forces of the United
5-11 States stationed in another country in support of combat or another
5-12 military operation; and

5-13 (B) unable to attend the ceremony.

5-14 SECTION 9. Section 2.0071, Family Code, is amended to read
5-15 as follows:

5-16 Sec. 2.0071. MAINTENANCE OF RECORDS BY CLERK RELATING TO
5-17 LICENSE FOR ABSENT APPLICANT. If a [A] county clerk or certifying
5-18 official [who] issues a marriage license for an absent applicant,
5-19 the clerk shall maintain the affidavit of the absent applicant and
5-20 the application for the marriage license in the same manner that the
5-21 clerk maintains an application for a marriage license submitted by
5-22 two applicants in person.

5-23 SECTION 10. Section 2.008, Family Code, is amended to read
5-24 as follows:

5-25 Sec. 2.008. CERTIFICATION [EXECUTION] OF APPLICATION [BY
5-26 CLERK]. (a) The county clerk or certifying official shall:

5-27 (1) determine that all necessary information, other
5-28 than the date of the marriage ceremony, the county in which the
5-29 ceremony is conducted, and the name of the person who performs the
5-30 ceremony, is recorded on the application and that all necessary
5-31 documents are submitted;

5-32 (2) administer the oath to each applicant appearing
5-33 personally before the clerk or appearing personally or by telephone
5-34 or electronic means before the certifying official; and

5-35 (3) ensure that [have] each applicant appearing
5-36 personally before the clerk or appearing personally or by telephone
5-37 or electronic means before the certifying official has signed
5-38 [sign] the application.

5-39 (a-1) If the county clerk certifies the application, the
5-40 clerk shall [in the clerk's presence, and

5-41 [4)] execute the clerk's certificate on the
5-42 application. If a certifying official certifies the application,
5-43 the certifying official shall:

5-44 (1) include on the application:

5-45 (A) the county to which the marriage license is
5-46 to be returned; and

5-47 (B) the name, job title, and signature of the
5-48 certifying official; and

5-49 (2) return the certified application and any
5-50 supporting documentation by facsimile or electronic or other means
5-51 to the county clerk.

5-52 (a-2) If the county clerk has given notice under Section
5-53 2.603 that the clerk is unwilling to certify the application,
5-54 administer the oath, and issue the license, and the deputy clerk is
5-55 not performing those functions in that county, the clerk shall
5-56 provide the applicants with notice of any certifying officials
5-57 serving in that county. If no certifying official is located in the
5-58 county, the county clerk shall provide the applicants with contact
5-59 information for a certifying official designated under Section
5-60 81.035, Local Government Code.

5-61 (a-3) In the event an applicant is referred to a certifying
5-62 official located outside the county under Subsection (a-2), the
5-63 applicant may submit the completed application and all supporting
5-64 documentation to the applicable certifying official via facsimile
5-65 or electronic or other means. A certifying official described by
5-66 this subsection shall:

5-67 (1) determine that all necessary information, other
5-68 than the date of the marriage ceremony, the county in which the
5-69 ceremony is conducted, and the name of the person who performs the

6-1 ceremony, is recorded on the application and that all necessary
6-2 documents are submitted;

6-3 (2) administer the oath to each applicant, which may
6-4 be accomplished telephonically or electronically;

6-5 (3) ensure that each applicant appearing by telephone
6-6 or electronic means before the certifying official has signed the
6-7 application;

6-8 (4) certify the application and include on the
6-9 application:

6-10 (A) the county to which the marriage license is
6-11 to be returned; and

6-12 (B) the name, job title, signature, and location
6-13 of the certifying official; and

6-14 (5) return the certified application and any
6-15 supporting documentation by facsimile or electronic or other means
6-16 to the appropriate county clerk.

6-17 (b) A person appearing before the clerk or certifying
6-18 official on behalf of an absent applicant is not required to take
6-19 the oath on behalf of the absent applicant.

6-20 SECTION 11. Section 2.009, Family Code, is amended to read
6-21 as follows:

6-22 Sec. 2.009. ISSUANCE OF LICENSE. (a) Except as provided
6-23 by Subsections (b) and (d), the county clerk or certifying official
6-24 may not issue a license if either applicant:

6-25 (1) fails to provide the information required by this
6-26 subchapter;

6-27 (2) fails to submit proof of age and identity;

6-28 (3) is under 16 years of age and has not been granted a
6-29 court order as provided by Section 2.103;

6-30 (4) is 16 years of age or older but under 18 years of
6-31 age and has not presented at least one of the following:

6-32 (A) parental consent as provided by Section
6-33 2.102;

6-34 (B) documents establishing that a prior marriage
6-35 of the applicant has been dissolved; or

6-36 (C) a court order as provided by Section 2.103;

6-37 (5) checks "false" in response to a statement in the
6-38 application, except as provided by Subsection (b) or (d), or fails
6-39 to make a required declaration in an affidavit required of an absent
6-40 applicant; or

6-41 (6) indicates that the applicant has been divorced
6-42 within the last 30 days, unless:

6-43 (A) the applicants were divorced from each other;
6-44 or

6-45 (B) the prohibition against remarriage is waived
6-46 as provided by Section 6.802.

6-47 (b) If an applicant checks "false" in response to the
6-48 statement "I am not presently married and the other applicant is not
6-49 presently married," the county clerk or certifying official shall
6-50 inquire as to whether the applicant is presently married to the
6-51 other applicant. If the applicant states that the applicant is
6-52 currently married to the other applicant, the county clerk or
6-53 certifying official shall record that statement on the license
6-54 [~~before the administration of the oath~~]. The county clerk or
6-55 certifying official may not refuse to issue a license on the ground
6-56 that the applicants are already married to each other.

6-57 (c) On the proper certification [~~execution~~] of the
6-58 application, the clerk or certifying official, as applicable,
6-59 shall:

6-60 (1) prepare the license;

6-61 (2) enter on the license the names of the licensees,
6-62 the date that the license is issued, and, if applicable, the name of
6-63 the person appointed to act as proxy for an absent applicant, if
6-64 any;

6-65 (3) record the time at which the license was issued;

6-66 (4) give [~~distribute to~~] each applicant [~~written~~]
6-67 notice in writing or by facsimile or electronic or other means of
6-68 the online location of the information prepared under Section 2.010
6-69 regarding acquired immune deficiency syndrome (AIDS) and human

7-1 immunodeficiency virus (HIV) and note on the license that the
7-2 notice [distribution] was given [made]; and

7-3 (5) inform each applicant, in person or by telephone
7-4 or electronic means:

7-5 (A) that a premarital education handbook
7-6 developed by the child support division of the office of the
7-7 attorney general under Section 2.014 is available on the child
7-8 support division's Internet website; or

7-9 (B) if the applicant does not have Internet
7-10 access, how the applicant may obtain a paper copy of the handbook
7-11 described by Paragraph (A).

7-12 (d) The county clerk or certifying official may not refuse
7-13 to issue a license to an applicant on the ground that the applicant
7-14 checked "false" in response to the statement "I am not presently
7-15 delinquent in the payment of court-ordered child support."

7-16 SECTION 12. Section 2.012, Family Code, is amended to read
7-17 as follows:

7-18 Sec. 2.012. VIOLATION OF SUBCHAPTER [~~BY COUNTY CLERK~~];
7-19 PENALTY. (a) A county clerk, [~~or~~] deputy county clerk, or
7-20 certifying official who violates or fails to comply with this
7-21 subchapter commits an offense.

7-22 (b) An offense under this section is a Class C misdemeanor
7-23 punishable by a fine of [not less than \$200 and] not more than \$500.

7-24 SECTION 13. Section 2.101, Family Code, is amended to read
7-25 as follows:

7-26 Sec. 2.101. GENERAL AGE REQUIREMENT. Except as otherwise
7-27 provided by this subchapter or on a showing that a prior marriage
7-28 has been dissolved, a county clerk or certifying official may not
7-29 issue a marriage license if either applicant is under 18 years of
7-30 age.

7-31 SECTION 14. Sections 2.102(a), (b), and (c), Family Code,
7-32 are amended to read as follows:

7-33 (a) If an applicant is 16 years of age or older but under 18
7-34 years of age, the county clerk or certifying official shall issue
7-35 the license if parental consent is given as provided by this
7-36 section.

7-37 (b) Parental consent must be evidenced by a written
7-38 declaration on a form supplied by the county clerk or certifying
7-39 official in which the person consents to the marriage and swears
7-40 that the person is a parent (if there is no person who has the
7-41 court-ordered right to consent to marriage for the applicant) or a
7-42 person who has the court-ordered right to consent to marriage for
7-43 the applicant (whether an individual, authorized agency, or court).

7-44 (c) Except as otherwise provided by this section, consent
7-45 must be acknowledged before a county clerk or certifying official.
7-46 Consent may be acknowledged by telephone or electronic means if the
7-47 certifying official is not in the same county as the applicant.

7-48 SECTION 15. Section 2.202, Family Code, is amended by
7-49 adding Subsection (e) to read as follows:

7-50 (e) A person authorized to conduct a marriage ceremony under
7-51 this section may decline to conduct a marriage ceremony and, unless
7-52 the person declines to conduct the ceremony for a reason prohibited
7-53 under Section 2.205:

7-54 (1) the person is not subject to an administrative or
7-55 civil penalty imposed by this state, an agency of this state, or a
7-56 political subdivision of this state; and

7-57 (2) a civil cause of action may not be brought against
7-58 the person based on the person's refusal to conduct the marriage
7-59 ceremony.

7-60 SECTION 16. Section 2.204(b), Family Code, is amended to
7-61 read as follows:

7-62 (b) The 72-hour waiting period after issuance of a marriage
7-63 license does not apply to an applicant who:

7-64 (1) is a member of the armed forces of the United
7-65 States and on active duty;

7-66 (2) is not a member of the armed forces of the United
7-67 States but performs work for the United States Department of
7-68 Defense as a department employee or under a contract with the
7-69 department;

8-1 (3) obtains a written waiver under Subsection (c); or
8-2 (4) completes a premarital education course described
8-3 by Section 2.013, and who provides to the county clerk or certifying
8-4 official a premarital education course completion certificate
8-5 indicating completion of the premarital education course not more
8-6 than one year before the date the marriage license application is
8-7 filed with the clerk or certifying official.

8-8 SECTION 17. Section 2.206(a), Family Code, is amended to
8-9 read as follows:

8-10 (a) The person who conducts a marriage ceremony shall record
8-11 on the license the date on which and the county in which the
8-12 ceremony is performed and the person's name, subscribe the license,
8-13 and return the license to the county clerk of the county that is
8-14 designated on the license ~~[who issued it]~~ not later than the 30th
8-15 day after the date the ceremony is conducted.

8-16 SECTION 18. Section 2.207(a), Family Code, is amended to
8-17 read as follows:

8-18 (a) A person who is to conduct a marriage ceremony shall
8-19 determine whether the license has expired from the date of
8-20 certification of ~~[county clerk's endorsement on]~~ the license.

8-21 SECTION 19. Section 2.209(b), Family Code, is amended to
8-22 read as follows:

8-23 (b) If a marriage license ~~[issued by a county clerk]~~ is
8-24 lost, destroyed, or rendered useless, the clerk or applicable
8-25 certifying official shall issue a duplicate license.

8-26 SECTION 20. The heading to Subchapter G, Chapter 2, Family
8-27 Code, is amended to read as follows:

8-28 SUBCHAPTER G. FREEDOM OF RELIGION WITH RESPECT TO RECOGNIZING,
8-29 LICENSING, OR PERFORMING CERTAIN MARRIAGES

8-30 SECTION 21. Subchapter G, Chapter 2, Family Code, is
8-31 amended by adding Section 2.603 to read as follows:

8-32 Sec. 2.603. REFUSAL BY COUNTY CLERK; DESIGNATION OF
8-33 CERTIFYING OFFICIAL. (a) If a county clerk has a sincerely held
8-34 religious belief that conflicts with the clerk's ability to fulfill
8-35 the clerk's duties with regard to certifying an application for a
8-36 marriage license, administering the oath for a marriage license,
8-37 and issuing the license, the clerk shall notify the commissioners
8-38 court of the county of that belief in writing.

8-39 (b) A county clerk may not be required to certify an
8-40 application for a marriage license, administer the oath, or issue
8-41 the license if the clerk has made the notification under Subsection
8-42 (a).

8-43 (c) On receipt of a notification under Subsection (a), the
8-44 commissioners court shall:

8-45 (1) ensure that a deputy clerk or other certifying
8-46 official is available in that county to certify an application for a
8-47 marriage license, administer the oath, and issue the license; or

8-48 (2) if there is an insufficient number of certifying
8-49 officials willing or available in that county, provide for one or
8-50 more certifying officials under Section 81.035, Local Government
8-51 Code.

8-52 SECTION 22. Subchapter B, Chapter 81, Local Government
8-53 Code, is amended by adding Section 81.035 to read as follows:

8-54 Sec. 81.035. CERTIFYING OFFICIAL FOR APPLICATION FOR
8-55 MARRIAGE LICENSE. On receipt of a notification under Section
8-56 2.603, Family Code, a commissioners court shall designate one or
8-57 more county employees or employ or contract with one or more
8-58 individuals to certify applications for marriage licenses,
8-59 administer oaths for a marriage license, and issue licenses as
8-60 provided by Section 2.0002, Family Code. A certifying official
8-61 designated, employed, or contracted with under this section is not
8-62 required to be an employee of the county and is not required to be
8-63 located in the county.

8-64 SECTION 23. Sections 118.018(b-1) and (c), Local Government
8-65 Code, are amended to read as follows:

8-66 (b-1) The county clerk or certifying official shall issue a
8-67 marriage license without collecting a marriage license fee from an
8-68 applicant who:

8-69 (1) completes a premarital education course described

9-1 by Section 2.013, Family Code; and
9-2 (2) provides to the county clerk or certifying
9-3 official a premarital education course completion certificate
9-4 indicating completion of the premarital education course not more
9-5 than one year before the date the marriage license application is
9-6 filed with the clerk or certifying official.

9-7 (c) A person applying for a marriage license may make a
9-8 voluntary contribution of \$5 to promote healthy early childhood by
9-9 supporting the Texas Home Visiting Program administered by the
9-10 Office of Early Childhood Coordination of the Health and Human
9-11 Services Commission. A county clerk or certifying official shall
9-12 collect the additional voluntary contribution under this section.

9-13 SECTION 24. Section 118.022, Local Government Code, is
9-14 amended by adding Subsection (a-1) to read as follows:

9-15 (a-1) If a certifying official collects the fee for issuing
9-16 a marriage license, the certifying official shall remit the fee to
9-17 the county clerk of the county to which the marriage license was
9-18 returned. The county clerk shall deposit the fee in the manner
9-19 described by Subsection (a).

9-20 SECTION 25. Sections 194.0011(a), (b), and (d), Health and
9-21 Safety Code, are amended to read as follows:

9-22 (a) The executive commissioner by rule shall prescribe the
9-23 format and content of the department form used for the marriage
9-24 license application. The executive commissioner may not prescribe
9-25 a form that requires a county clerk to personally certify the
9-26 application, administer the oath for a marriage license, or issue
9-27 the marriage license. The executive commissioner may prescribe a
9-28 form that requires that a certifying official perform those
9-29 functions as provided by Section 2.0002, Family Code.

9-30 (b) The vital statistics unit shall print and distribute the
9-31 department forms to each county clerk throughout the state. On
9-32 request, the vital statistics unit shall provide the department
9-33 forms to a certifying official.

9-34 (d) A county clerk or certifying official may reproduce the
9-35 department form locally.

9-36 SECTION 26. This Act takes effect September 1, 2017.

* * * * *

9-37