

BILL ANALYSIS

Senate Research Center

H.B. 2069
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Jurisprudence
5-17-97
Engrossed

DIGEST

In the 74th Legislature, the comprehensive welfare reform bill that passed included a provision that required persons applying for a marriage license to submit a sworn affidavit. While failure to submit the sworn statement or delinquency of court-ordered child support was cause for denial of a marriage license, the attorney general issued an opinion that these sections of law were unconstitutional. This bill removes sections of the Family Code determined to be unconstitutional by the attorney general, and adds a true/false statement to an application for a marriage license.

PURPOSE

As proposed, H.B. 2069 removes sections of the Family Code determined to be unconstitutional by the attorney general, and adds a true/false statement to an application for a marriage license.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.004(b), Family Code, requires a marriage license application to contain certain provisions, including printed boxes for each applicant to check "true" or "false" in response to a statement providing that a person is not delinquent in the payment of court-ordered child support.

SECTION 2. Amends Section 2.009, Family Code, by amending Subsections (b) and adding Subsection (d), to prohibit a county clerk from issuing a license under certain conditions, except as provided by Subsections (b) and (d). Prohibits the county clerk from refusing to issue a license to an applicant on the ground that the applicant checked "false" in response to the applicant's statement of delinquency for court-ordered child support. Makes conforming changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.