

By: Bell

H.B. No. 623

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 taxpayer funds or governmental salaries
10 may not be used for an activity that includes the licensing or
11 support of same-sex marriage.

12 (d) A state or local governmental employee officially may
13 not recognize, grant, or enforce a same-sex marriage license. If an
14 employee violates this subsection, the employee may not continue to
15 receive a salary, pension, or other employee benefit at the expense
16 of the taxpayers of this State.

17 (e) Taxes or public funds may not be utilized to enforce a
18 court order requiring the issuance or recognition of a same-sex
19 marriage license.

20 (f) A court of this State shall dismiss a legal action
21 challenging a provision of this section and shall award costs and
22 attorney's fees to a person or entity named as a defendant in the
23 legal action.

24 (g) A person employed by this State or a local governmental

1 entity who violates or interferes with the implementation of this
2 section may not continue to receive a salary, pension, or other
3 employee benefit.

4 (h) The State is not subject to suit in law or equity
5 pursuant to the eleventh amendment of the United States
6 Constitution for complying with the provisions of this section,
7 regardless of a contrary federal court ruling.

8 SECTION 3. If any section, subsection, paragraph,
9 subparagraph, sentence, clause, phrase, or word of this Act is for
10 any reason held to be unconstitutional or invalid, such holding
11 shall not affect the constitutionality or validity of the remaining
12 portions of this Act, the legislature hereby declaring that it
13 would have passed this, and each and every section, subsection,
14 paragraph, subparagraph, sentence, clause, phrase, and word
15 thereof, irrespective of the fact that any one or more other
16 sections, subsections, paragraphs, subparagraphs, sentences,
17 clauses, phrases, or words hereof may be declared to be
18 unconstitutional, invalid, or otherwise ineffective. All
19 constitutionally valid applications of this Act shall be severed
20 from any applications that a court finds to be invalid, leaving the
21 valid applications in force, because it is the legislature's intent
22 and priority that the valid applications be allowed to stand alone.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2015.