

UTAH MARRIAGE COMMISSION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: _____

LONG TITLE**Committee Note:**

The Judiciary Interim Committee recommended this bill.

General Description:

This bill increases the marriage license fee and modifies premarital education and counseling provisions.

Highlighted Provisions:

This bill:

- ▶ increases the marriage license fee by \$20 and creates a restricted account to support marriage and relationship strengthening efforts in the state;
- ▶ offers a couple a \$20 rebate if both parties complete premarital education or counseling that meets specific criteria;
- ▶ provides content requirements for premarital education and counseling;
- ▶ provides requirements for providers of premarital education and counseling;
- ▶ creates the Marriage Education Restricted Account; and
- ▶ provides a reporting requirement.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

17-16-21, as last amended by Laws of Utah 2013, Chapter 278

26-2-24, as last amended by Laws of Utah 1995, Chapter 202

30-1-30, as enacted by Laws of Utah 1971, Chapter 64

30-1-39, as enacted by Laws of Utah 1971, Chapter 64

62A-1-120, as last amended by Laws of Utah 2014, Chapter 387

ENACTS:

62A-1-121, Utah Code Annotated 1953

REPEALS AND REENACTS:

30-1-34, as enacted by Laws of Utah 1971, Chapter 64

30-1-36, as enacted by Laws of Utah 1971, Chapter 64

REPEALS:

30-1-31, as enacted by Laws of Utah 1971, Chapter 64

30-1-32, as last amended by Laws of Utah 2011, Chapter 297

30-1-33, as last amended by Laws of Utah 2011, Chapter 297

30-1-35, as last amended by Laws of Utah 2011, Chapter 297

30-1-37, as last amended by Laws of Utah 2011, Chapter 297

30-1-38, as enacted by Laws of Utah 1971, Chapter 64

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-16-21** is amended to read:

17-16-21. Fees of county officers.

(1) As used in this section, "county officer" means all of the county officers enumerated in Section **17-53-101** except county recorders, county constables, and county sheriffs.

(2) (a) Each county officer shall collect, in advance, for exclusive county use and benefit:

(i) all fees established by the county legislative body under Section **17-53-211**; and

(ii) any other fees authorized or required by law.

(b) As long as the Children's Legal Defense Account is authorized by Section **51-9-408**, the county clerk shall:

(i) assess \$10 in addition to whatever fee for a marriage license is established under authority of this section; and

(ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit in the Children's Legal Defense Account.

(c) (i) As long as the Division of Child and Family Services, created in Section 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including temporary shelter, for victims of domestic violence, the county clerk shall:

(A) collect \$10 in addition to whatever fee for a marriage license is established under authority of this section, in addition to the amount described in Subsection (2)(b), if an applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional \$10; and

(B) to the extent actually paid, transmit \$10 from each marriage license fee to the Division of Finance for distribution to the Division of Child and Family Services for the operation of shelters for victims of domestic violence.

(ii) (A) The county clerk shall provide a method for an applicant for a marriage license to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

(B) An applicant for a marriage license may choose not to pay the additional \$10 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a marriage license.

(d) The county clerk shall:

(i) assess \$20 in addition to whatever fee for a marriage license is established under authority of this section; and

(ii) transmit \$20 from each marriage license fee to the Division of Finance for deposit into the Marriage Education Restricted Account, created in Section 62A-1-121.

(3) This section does not apply to any fees currently being assessed by the state but collected by county officers.

Section 2. Section 26-2-24 is amended to read:

26-2-24. Marriage licenses -- Execution and filing requirements.

(1) The state registrar shall supply county clerks with application forms for marriage licenses. [Completed applications shall be transmitted by the clerks]

(2) County clerks shall transmit completed applications to the state registrar monthly.

(3) The personal identification information contained on each application for a

marriage license filed with the county clerk shall be entered on a form supplied by the state registrar.

(4) The person performing the marriage shall furnish the date and place of marriage and ~~[his]~~ the person's name and address. ~~[The form shall be completed and certified by the county clerk]~~

(5) The county clerk shall complete and certify the form before it is filed with the state registrar.

(6) In accordance with Subsection (2), by January 1, 2018, county clerks are encouraged to transmit forms to the state registrar in electronic form.

Section 3. Section **30-1-30** is amended to read:

30-1-30. Premarital education or counseling -- State policy -- Applicability.

It is the policy of the state of Utah to enhance the possibility of couples to achieve more stable, satisfying and enduring marital and family relationships by providing opportunities for and encouraging the use of premarital education or counseling prior to securing a marriage license ~~[by persons under 19 years of age and by persons who have been previously divorced].~~

Section 4. Section **30-1-34** is repealed and reenacted to read:

30-1-34. Premarital education or counseling -- Rebate.

(1) (a) As described in Subsection 17-16-21(2)(d), a county clerk shall assess \$20 in addition to whatever fee for a marriage license is established under authority of Section 17-16-21, and shall transmit the \$20 to the Marriage Education Restricted Account, created in Section 62A-1-121, to support marriage and relationship strengthening efforts in the state.

(b) (i) The Utah Marriage Commission shall offer a \$20 rebate to a married couple that receives premarital education or counseling in accordance with this section.

(ii) Each party may receive the premarital education or counseling together as a couple or separately.

(iii) Each party shall complete the premarital education or counseling not more than one year before and at least seven days before the day on which the marriage license is issued.

(2) Within 90 days of the day on which the marriage license is issued, the married couple shall submit to the Utah Marriage Commission:

(a) a signed and dated statement from the person who provided the premarital education or counseling confirming that the premarital education or counseling was received;

121 and

122 (b) a copy of the marriage license or the license number listed on the marriage license.

123 (3) The premarital education or counseling shall be provided by:

124 (a) a licensed or ordained minister or the minister's designee who has been authorized

125 by the minister or denomination to conduct premarital education or counseling;

126 (b) a person authorized to solemnize marriages under Section [30-1-6](#);

127 (c) a licensed counselor;

128 (d) an individual certified by the National Council on Family Relations as a certified

129 family life educator;

130 (e) a Family and Consumer Sciences educator;

131 (f) an individual who is an approved instructor of a premarital education curriculum

132 that meets the requirements of Subsection (4)(a); or

133 (g) an online course approved by the Utah Marriage Commission.

134 (4) (a) The premarital education or counseling shall include, as a minimum, the

135 following topics:

136 (i) commitment in marriage;

137 (ii) the importance of providing a safe and nurturing environment for children;

138 (iii) effective communication and problem-solving skills, including avoiding violence

139 and abuse in the relationship; and

140 (iv) effective financial management.

141 (b) At least six hours of premarital education or three hours of counseling are required

142 to fulfill the requirements of this section.

143 (c) Religious organizations offering formal premarital education or counseling,

144 including religious principles related to marriage, are exempt from the content requirements in

145 Subsection (4)(a), but shall adhere to the length-of-time requirement.

146 (d) Providers are encouraged to make use of research-based relationship inventories.

147 (5) The statement from the person who provided the premarital education or

148 counseling shall include the following:

149 "I, (name of provider), confirm that I provided (names of both parties) at least six hours

150 of premarital education or three hours of premarital counseling. I am authorized to provide

151 premarital education or counseling in accordance with Subsection [30-1-34](#)(3) Utah Code

152 Annotated, 1953."

153 (6) The names of the parties in the provider's statement shall be identical to the legal
154 names of the parties as they appear on the marriage license.

155 Section 5. Section **30-1-36** is repealed and reenacted to read:

156 **30-1-36. Activities included in premarital education or counseling.**

157 (1) (a) Premarital education may include lectures, classes, or seminars provided by a
158 provider that meets the requirements of Subsection **30-1-34**(3)(e) or (f).

159 (b) Premarital education may also include an online course in accordance with
160 Subsection **30-1-34**(3)(g).

161 (2) Premarital counseling may include individual, couple, or group counseling with a
162 provider that meets the requirements of Subsection **30-1-34**(3)(a), (b), (c), or (d).

163 Section 6. Section **30-1-39** is amended to read:

164 **30-1-39. Violation of counseling provisions -- Infraction.**

165 Any person [~~coming within the provisions of this act~~] who falsely represents that [~~he~~]
166 the person has complied with the requirements of [~~a master plan for premarital counseling or~~
167 ~~who, for the purpose of evading the provisions of this act, applies for a marriage license in a~~
168 ~~county within the state of Utah which does not require premarital counseling, is guilty of a~~
169 ~~misdemeanor.~~] Section **30-1-34** or who colludes with another person for the purpose of
170 receiving the benefit of Subsection **30-1-34**(1)(b) is guilty of an infraction.

171 Section 7. Section **62A-1-120** is amended to read:

172 **62A-1-120. Utah Marriage Commission.**

173 (1) As used in this section, "commission" means the Utah Marriage Commission
174 created by this section.

175 (2) There is created within the department the "Utah Marriage Commission."

176 (3) The commission shall consist of 17 members appointed as follows:

177 (a) two members of the Senate appointed by the president of the Senate;

178 (b) two members of the House of Representatives appointed by the speaker of the
179 House of Representatives;

180 (c) six current or former representatives from marriage and family studies departments,
181 social or behavioral sciences departments, health sciences departments, colleges of law, or
182 other related and supporting departments at institutions of higher education in this state, as

shall be appointed by the governor;

(d) five representatives selected and appointed by the governor from among the following groups:

(i) social workers who are or have been licensed under Title 58, Chapter 60, Part 2, Social Worker Licensing Act;

(ii) psychologists who are or have been licensed under Title 58, Chapter 61, Psychologist Licensing Act;

(iii) physicians who are or have been board certified in psychiatry and are or have been licensed under Title 58, Chapter 67, Utah Medical Practice Act;

(iv) marriage and family therapists who are or have been licensed under Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;

(v) representatives of faith communities;

(vi) public health professionals;

(vii) representatives of domestic violence prevention organizations; or

(viii) legal professionals; and

(e) two representatives of the general public appointed by the members of the commission appointed under Subsections (3)(a) through (d).

(4) (a) A member appointed under Subsections (3)(c) through (e) shall serve for a term of four years. A member may be appointed for subsequent terms.

(b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(c) A commission member shall serve until a replacement is appointed and qualified.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original appointment.

(5) (a) The commission shall annually elect a chair from its membership.

(b) The commission shall hold meetings as needed to carry out its duties. A meeting may be held on the call of the chair or a majority of the commission members.

(c) Nine commission members constitute a quorum and, if a quorum exists, the action of a majority of commission members present constitutes the action of the commission.

(6) (a) A commission member who is not a legislator may not receive compensation or

benefits for the commission member's service, but may receive per diem and travel expenses as allowed in:

- (i) Section 63A-3-106;
- (ii) Section 63A-3-107; and
- (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a commission member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(7) The department shall staff the commission.

(8) The commission shall:

(a) promote coalitions and collaborative efforts to uphold and encourage a strong and healthy culture of strong and lasting marriages and stable families;

(b) contribute to greater awareness of the importance of marriage and leading to reduced divorce and unwed parenthood in the state;

(c) promote public policies that support marriage;

(d) promote programs and activities that educate individuals and couples on how to achieve strong, successful, and lasting marriages, including promoting and assisting in the offering of:

(i) events;

(ii) classes and services, including those designed to promote strong, healthy, and lasting marriages and prevent domestic violence;

(iii) marriage and relationship education conferences for the public and professionals;

and

(iv) enrichment seminars;

(e) actively promote measures designed to maintain and strengthen marriage, family, and the relationships between ~~Ŝ→ [husband and wife]~~ spouses ~~←Ŝ~~ and parents and children; ~~[and]~~

(f) support volunteerism and private financial contributions and grants in partnership with the commission and in support of the commission's purposes and activities for the benefit of the state as provided in this section[-];

(g) regularly publicize information on premarital education and counseling services or

classes available in the state that meet the requirements specified in Section [30-1-34](#); and
(h) administer the Marriage Education Restricted Account established in Section [62A-1-121](#).

(9) Funding for the commission shall be as approved by the Legislature through annual appropriations and the added funding sought by the commission from private contributions and grants that support the duties of the commission described in Subsection (8).

(10) The commission shall provide a report to the Social Services Appropriations Subcommittee during the 2022 annual General Session, covering:

- (a) the number and percentage of couples who received a rebate under Section [30-1-34](#);
- (b) expected outcomes of the program and whether they were met; and
- (c) recommendations regarding the continuance of the rebate.

Section 8. Section **62A-1-121** is enacted to read:

62A-1-121. Marriage Education Restricted Account.

(1) There is created within the General Fund a restricted account known as the "Marriage Education Restricted Account."

(2) The restricted account shall be funded from the additional fee collected by the county clerk pursuant to Subsection [17-16-21\(2\)\(d\)](#).

(3) Upon appropriation, the restricted account shall be used to fund, support, and promote education programs in accordance with Subsection [62A-1-120\(8\)\(d\)](#).

(4) The restricted account may accrue interest, which shall be deposited into the restricted account.

(5) At the close of any fiscal year, any balance in the fund in excess of \$400,000 shall be transferred to the General Fund.

Section 9. Repealer.

This bill repeals:

Section [30-1-31](#), Premarital counseling board in county -- Appointment, terms, compensation, offices -- Common counseling board with adjacent county.

Section [30-1-32](#), Master plan for counseling.

Section [30-1-33](#), Conformity to master plan for counseling as prerequisite to marriage license -- Exceptions.

Section [30-1-35](#), Persons performing counseling services designated by board --

276 **Exemption from license requirements.**

277 Section **30-1-37**, Confidentiality of information obtained under counseling
278 **provisions.**

279 Section **30-1-38**, Fee for counseling.

280 Section 10. **Effective date.**

281 This bill takes effect on January 1, 2018.

Legislative Review Note
Office of Legislative Research and General Counsel