

**AUTHORITY OF LIEUTENANT GOVERNOR TO
PERFORM MARRIAGE**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill allows the lieutenant governor to solemnize marriages.

Highlighted Provisions:

This bill:

- ▶ allows the lieutenant governor to solemnize marriages; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-1-6, as last amended by Laws of Utah 2004, Chapter 157

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

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

30-1-6. Who may solemnize marriages -- Certificate.

(1) Marriages may be solemnized by the following persons only:

(a) ministers, rabbis, or priests of any religious denomination who are:



- 28 (i) in regular communion with any religious society; and
- 29 (ii) 18 years of age or older;
- 30 (b) Native American spiritual advisors;
- 31 (c) the governor;
- 32 (d) the lieutenant governor;
- 33 [~~(d)~~] (e) mayors of municipalities or county executives;
- 34 [~~(e)~~] (f) a justice, judge, or commissioner of a court of record;
- 35 [~~(f)~~] (g) a judge of a court not of record of the state;
- 36 [~~(g)~~] (h) judges or magistrates of the United States;
- 37 [~~(h)~~] (i) the county clerk of any county in the state, if the clerk chooses to solemnize
- 38 marriages;
- 39 [~~(i)~~] (j) the president of the Senate;
- 40 [~~(j)~~] (k) the speaker of the House of Representatives; or
- 41 [~~(k)~~] (l) a judge or magistrate who holds office in Utah when retired, under rules set by
- 42 the Supreme Court.

43 (2) A person authorized under Subsection (1) who solemnizes a marriage shall give to
 44 the couple married a certificate of marriage that shows the:

- 45 (a) name of the county from which the license is issued; and
- 46 (b) date of the license's issuance.
- 47 (3) As used in this section:
- 48 (a) "Judge or magistrate of the United States" means:
- 49 (i) a justice of the United States Supreme Court;
- 50 (ii) a judge of a court of appeals;
- 51 (iii) a judge of a district court;
- 52 (iv) a judge of any court created by an act of Congress the judges of which are entitled
- 53 to hold office during good behavior;
- 54 (v) a judge of a bankruptcy court;
- 55 (vi) a judge of a tax court; or
- 56 (vii) a United States magistrate.
- 57 (b) (i) "Native American spiritual advisor" means a person who:
- 58 (A) (I) leads, instructs, or facilitates a Native American religious ceremony or service;

59 or

60 (II) provides religious counseling; and

61 (B) is recognized as a spiritual advisor by a federally recognized Native American
62 tribe.

63 (ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine
64 person, traditional religious practitioner, or holy man or woman.

65 (4) Notwithstanding any other provision in law, no person authorized under Subsection
66 (1) to solemnize a marriage may delegate or deputize another person to perform the function of
67 solemnizing a marriage, except that only full-time employees of the office responsible for the
68 issuance of marriage licenses may be deputized.

Legislative Review Note
as of 2-2-09 1:48 PM

Office of Legislative Research and General Counsel

H.B. 310 - Authority of Lieutenant Governor to Perform Marriage

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
