

# HB0332S01 compared with HB0332

~~deleted text~~ shows text that was in HB0332 but was deleted in HB0332S01.

inserted text shows text that was not in HB0332 but was inserted into HB0332S01.

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Representative Edward H. Redd proposes the following substitute bill:

## MARRIAGE LICENSE AND COUNSELING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Edward H. Redd**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill modifies the marriage education and counseling provisions by requiring a reduction in marriage license fees for a couple who undergoes premarital education or counseling that meets specific criteria. The bill also creates a restricted account for ~~excess~~ fees collected when a couple does not undergo premarital counseling.

#### Highlighted Provisions:

This bill:

- ▶ creates a ~~statutory base for marriage license fees~~ pilot program for counties to opt into to encourage premarital education and counseling;
- ▶ reduces the marriage license fee for a couple who undergoes premarital education or counseling;
- ▶ sets out a list of topics the premarital counseling should cover; ~~and~~

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- ▶ 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

~~{ **30-1-7**, as last amended by Laws of Utah 2004, Chapter 289~~

~~‡ **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

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*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

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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) If the reduction in Subsection 30-1-34(1) is not given, the county clerk shall transmit \$20 from each marriage license fee ~~collected in accordance with Section 30-1-7~~ to the Division of Finance for deposit into the Marriage Education Fund, created in Section 62A-1-121.

(3) Each county clerk shall keep a record of the number and proportion of marriage license applicants who receive the discounted license fee ~~in Subsection (2)(d)~~ and make the

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data available to the Utah Marriage Commission on an annual basis.

~~[(3)] (4)~~ This section does not apply to any fees currently being assessed by the state but collected by county officers.

Section 2. Section ~~{30-1-7}~~30-1-30 is amended to read:

~~{~~ ~~30-1-7. Marriage licenses -- Fee -- Use within state -- Expiration.~~

~~\_\_\_\_\_ (1) No marriage may be solemnized in this state without a license issued by the county clerk of any county of this state.~~

~~\_\_\_\_\_ (2) The fee for a marriage license shall be set by the legislative body of each county, but may not be less than \$40.~~

~~\_\_\_\_\_ [(2)] (3) A license issued within this state by a county clerk may only be used within this state.~~

~~\_\_\_\_\_ [(3)] (4) A license that is not used within 30 days of the date of issuance is void.~~

~~\_\_\_\_\_ Section 3. Section 30-1-30 is amended to read:~~

~~†~~ **30-1-30. Premarital 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}~~3. Section **30-1-34** is repealed and reenacted to read:

**30-1-34. Certificate of completion of counseling -- Reduction of license fee -- Pilot program.**

(1) There is created a pilot program for premarital education and counseling that is optional for all counties throughout the state. A county that elects to participate in the program shall:

(a) commit to a full year of participation;

(b) follow the program as described in this section; and

(c) provide to the Utah Marriage Commission the information described in Subsection 17-16-21(3).

~~{1}~~(2) The county clerk of any county who issues a marriage license to applicants who present a certificate of completion in accordance with Subsection (2) shall reduce the fee for the license by \$20.

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(2) In order to qualify for the reduced fee in Subsection (1), the parties shall submit a signed and dated statement from the person who provided the premarital education or counseling confirming that it was received.

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

(i) a licensed or ordained minister or the minister's designee who has been trained by the minister or denomination to conduct premarital education or counseling;

(ii) a person authorized to solemnize marriages under Section 30-1-6;

(iii) a licensed counselor;

(iv) an individual certified by the National Council on Family Relations as a certified family life educator;

(v) a Family and Consumer Sciences educator;

(vi) an individual who is an approved instructor of a premarital education curriculum that meets the requirements of Subsection (2)(b); or

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

(b) The premarital education or counseling shall include, as a minimum, the following topics:

(i) commitment in marriage;

(ii) the adverse effects of childhood trauma on a child's developing brain and the importance of providing a safe and nurturing environment for children;

(iii) effective communication and problem-solving skills, including avoiding violence and abuse in the relationship; and

(iv) effective financial management.

(c) At least three hours of premarital education or counseling are required to fulfill the requirements of this section.

(d) Religious organizations offering formal premarital education or counseling are exempt from the content requirements in Subsection (2)(b), but shall adhere to the length of time requirement.

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

(3) The statement from the person who provided the premarital counseling under Subsection (2) shall include the following:

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

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hours of premarital education or counseling. I am authorized to provide premarital education or counseling in accordance with Subsection 30-1-34(2)(a) Utah Code Annotated, 1953."

(4) The names of the parties in the provider's statement shall be identical to the legal names of the parties as they appear on the marriage license application. The provider's statement shall be filed with the license.

Section ~~{5}~~4. Section **30-1-36** is repealed and reenacted to read:

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

(1) Premarital education may include lectures, classes, or seminars provided by an individual meeting the requirements of Subsections 30-1-34(2)(a)(v) through (vi). Premarital education may also include an online course in accordance with Subsection 30-1-34(2)(a)(vii).

(2) Premarital counseling may include individual, couple, or group counseling with an individual meeting the requirements of Subsections 30-1-34(2)(a)(i) through (iv).

Section ~~{6}~~5. Section **30-1-39** is amended to read:

### **30-1-39. Violation of counseling provisions -- Misdemeanor.**

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

Section ~~{7}~~6. Section **62A-1-120** is amended to read:

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

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

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

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

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

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

(c) six current or former representatives from marriage and family studies departments, social or behavioral sciences departments, health sciences departments, colleges of law, or

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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.

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(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 husband and wife 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[-];

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(g) regularly publicize information on premarital education or counseling services or classes available in the state that meet the requirements ~~as~~ specified in Subsection 30-1-34(2); and

(h) administer the Marriage Education 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~~2019 annual General Session covering:

(a) the number of couples who used the program;

(b) percentages of participation ~~throughout~~in counties that participated in the ~~state~~pilot program;

(c) expected outcomes of the program, and whether they were met; and

(d) recommendations regarding the continuance of the program.

Section ~~8~~7. 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 Account."

(2) The restricted account shall be funded from the fee collected by the county clerk in Subsection 17-16-21(2)(d).

(3) 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 \$300,000 shall be transferred to the General Fund.

Section ~~9~~8. **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.**

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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 -- Exemption from license requirements.

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

Section 30-1-38, Fee for counseling.

Section ~~{10}~~9. Effective date.

This bill takes effect on January 1, 2017.

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~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel†~~