

# HB0066S01 compared with HB0066

~~text~~ shows text that was in HB0066 but was deleted in HB0066S01.

inserted text shows text that was not in HB0066 but was inserted into HB0066S01.

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Representative Jacob L. Anderegg proposes the following substitute bill:

## MARRIAGE MODIFICATIONS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

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

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### LONG TITLE

#### General Description:

This bill affirms a person's religious freedom to act within the confines of the person's religious beliefs.

#### Highlighted Provisions:

This bill:

- ▶ recognizes the fundamental right of religious liberty;~~and~~
- ▶ affirms that a person authorized to solemnize a marriage is not required to solemnize a marriage that violates the person's religious belief system~~;~~and
- ▶ adds solemnizing marriages to the county clerk's list of duties.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

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This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

17-20-4, as last amended by Laws of Utah 2001, Chapter 241

30-1-6, as last amended by Laws of Utah 2010, Chapter 132

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

Section 1. Section 17-20-4 is amended to read:

#### **17-20-4. Duties of county clerk.**

A county clerk shall:

(1) issue all marriage licenses and keep a register of marriages as provided by law;

(2) solemnize any marriage, after issuance of a marriage license, if requested by the parties;

[(2)](3) execute under the clerk's seal and in the name of and for the county, all deeds and conveyances of all real estate conveyed by the county;

(3) take and certify acknowledgments and administer oaths;

(4) keep a fee book as provided by law; and

(5) take charge of and safely keep the seal of the county, and keep other records and perform other duties as may be prescribed by law.

Section ~~17~~2. 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:

(i) in regular communion with any religious society; and

(ii) 18 years of age or older;

(b) Native American spiritual advisors;

(c) the governor;

(d) the lieutenant governor;

(e) mayors of municipalities or county executives;

(f) a justice, judge, or commissioner of a court of record;

(g) a judge of a court not of record of the state;

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(h) judges or magistrates of the United States;

(i) the county clerk of any county in the state ~~if the clerk chooses to solemnize marriages~~;

(j) the president of the Senate;

(k) the speaker of the House of Representatives; or

(l) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court.

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

(a) name of the county from which the license is issued; and

(b) date of the license's issuance.

(3) As used in this section:

(a) "Judge or magistrate of the United States" means:

(i) a justice of the United States Supreme Court;

(ii) a judge of a court of appeals;

(iii) a judge of a district court;

(iv) a judge of any court created by an act of Congress the judges of which are entitled to hold office during good behavior;

(v) a judge of a bankruptcy court;

(vi) a judge of a tax court; or

(vii) a United States magistrate.

(b) (i) "Native American spiritual advisor" means a person who:

(A) (I) leads, instructs, or facilitates a Native American religious ceremony or service;

or

(II) provides religious counseling; and

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

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

(4) Notwithstanding any other provision in law, ~~no person~~ persons authorized under Subsection (1) to solemnize a marriage may not delegate or deputize another person to perform

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the function of solemnizing a marriage, except that ~~only~~ employees of the office responsible for the issuance of marriage licenses may be deputized.

(5) A person authorized under Subsection (1) to solemnize a marriage is not required and may not be compelled to solemnize a marriage when doing so would violate the person's sincerely held religious beliefs, tenets, doctrine, practices, or the person's fundamental right to religious liberty. ~~This subsection does not apply to the office responsible for the issuance of marriage licenses.~~

Section ~~{2}~~3. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

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**Legislative Review Note**

~~as of 12-10-14 8:46 AM~~

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