

**MARRIAGE AND PREMARITAL COUNSELING AND
EDUCATION AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Rebecca P. Edwards

Cosponsors:	Wayne A. Harper	Kevin T. Van Tassel
J. Stuart Adams	Lyle W. Hillyard	
Curtis S. Bramble	Don L. Ipson	

LONG TITLE

General Description:

This bill modifies provisions related to marriage.

Highlighted Provisions:

This bill:

- ▶ authorizes the county clerk to increase the marriage license fee and requires deposit of the increase amount into the General Fund as a nonlapsing dedicated credit unless certain conditions are met;

- ▶ addresses premarital counseling or education, including:

- certifying completion of premarital counseling or education;
- reducing the marriage license fee if requirements for premarital counseling or education are met;

- providing what activities are included in premarital counseling and education;

and

- removing a specific penalty;

- ▶ outlines duties of the Utah Marriage Commission;

- ▶ provides for a five year sunset review; and

- ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

- 30 This bill appropriates in fiscal year 2019:
- 31 ▶ to the Department of Human Services - Executive director operations, as an
- 32 ongoing appropriation;
- 33 • from Dedicated Credit Revenue, \$300,000.

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **17-16-21**, as last amended by Laws of Utah 2013, Chapter 278
- 39 **30-1-30**, as enacted by Laws of Utah 1971, Chapter 64
- 40 **30-1-34**, as enacted by Laws of Utah 1971, Chapter 64
- 41 **30-1-36**, as enacted by Laws of Utah 1971, Chapter 64
- 42 **62A-1-120**, as last amended by Laws of Utah 2014, Chapter 387
- 43 **63I-1-217**, as enacted by Laws of Utah 2017, Chapter 313
- 44 **63I-1-230**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 45 **63I-1-262**, as last amended by Laws of Utah 2017, Chapter 459
- 46 **63I-1-263**, as last amended by Laws of Utah 2017, Chapters 23, 47, 95, 166, 205, 469,
- 47 and 470
- 48 **63J-1-602.1 (Effective 09/30/18)**, as last amended by Laws of Utah 2017, Chapters 88,
- 49 107, 194, and 383

50 REPEALS:

- 51 **30-1-39**, as enacted by Laws of Utah 1971, Chapter 64



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

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

55 **17-16-21. Fees of county officers.**

56 (1) As used in this section, "county officer" means [~~all of the~~] a county [~~officers~~]

57 officer enumerated in Section 17-53-101 except a county [~~recorders, county constables, and~~
58 ~~county sheriffs~~] recorder, a county constable, or a county sheriff.

59 (2) (a) [~~Each~~] A county officer shall collect, in advance, for exclusive county use and
60 benefit:

61 (i) [~~all fees~~] a fee established by the county legislative body under Section 17-53-211;
62 and

63 (ii) any other [~~fees~~] fee authorized or required by law.

64 (b) As long as the Children's Legal Defense Account is authorized by Section
65 51-9-408, the county clerk shall:

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

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

70 (c) (i) As long as the Division of Child and Family Services, created in Section
71 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including
72 temporary shelter, for victims of domestic violence, the county clerk shall:

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

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

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

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

84 (d) If a county operates an online marriage application system, the county clerk of that

85 county:

86 (i) may assess \$20 in addition to the other fees for a marriage license established under
87 this section;

88 (ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage
89 license fee to the state treasurer for deposit annually as follows:

90 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in
91 Section 62A-1-120, as dedicated credits for the operation of the Utah Marriage Commission;
92 and

93 (B) proceeds in excess of \$400,000 shall be deposited into the General Fund; and

94 (iii) may not transmit \$20 from the marriage license fee to the state treasurer under this
95 Subsection (2)(d) if both individuals seeking the marriage license certify that they have
96 completed premarital counseling or education in accordance with Section [30-1-34](#).

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

99 Section 2. Section **30-1-30** is amended to read:

100 **30-1-30. Premarital counseling or education -- State policy -- Applicability.**

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

106 Section 3. Section **30-1-34** is amended to read:

107 **30-1-34. Completion of counseling or education.**

108 (1) The county clerk of [any] a county [~~which has adopted this act shall issue a~~
109 marriage license to those applicants who come within the premarital counseling requirements
110 of this act when the applicants present a certificate from the premarital counseling board that
111 the counseling has been completed or has been found to be adequate if the license application
112 otherwise conforms to the requirements for issuance of a marriage license. For those applicants

113 ~~who would otherwise need approval of the district court in order to marry, the certificate shall~~
114 ~~take the place of court consent if the parents, guardian or custodial parent of the applicant have~~
115 ~~given their consent to the marriage.] that operates an online marriage application system and~~
116 ~~issues a marriage license to applicants who certify completion of premarital counseling or~~
117 ~~education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.~~

118 (2) (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify
119 completion of premarital counseling or education in accordance with this Subsection (2).

120 (b) To complete premarital counseling or education, the applicants:

121 (i) shall obtain the premarital counseling or education from:

122 (A) a licensed or ordained minister or the minister's designee who is trained by the
123 minister or denomination to conduct premarital counseling or education;

124 (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional
125 Practice Act;

126 (C) an individual certified by a national organization recognized by the Utah Marriage
127 Commission, created in Section [62A-1-120](#), as a family life educator;

128 (D) a family and consumer sciences educator;

129 (E) an individual who is an instructor approved by a premarital education curriculum
130 that meets the requirements of Subsection (2)(b)(ii); or

131 (F) an online course approved by the Utah Marriage Commission;

132 (ii) shall receive premarital counseling or education that includes information on
133 important factors associated with strong and healthy marriages, including:

134 (A) commitment in marriage; and

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

137 (iii) shall complete at least three hours of premarital counseling or six hours of
138 premarital education meeting the requirements of this Subsection (2); and

139 (iv) shall complete the premarital counseling or education meeting the requirements of
140 this Subsection (2) not more than one year before but at least 14 days before the day on which

141 the marriage license is issued.

142 (c) Although applicants are encouraged to take the premarital counseling or education
143 together, each applicant may comply with the requirements of this Subsection (2) separately.

144 (3) A provider of premarital counseling or education under this section is encouraged
145 to use research-based relationship inventories.

146 Section 4. Section **30-1-36** is amended to read:

147 **30-1-36. Activities included in premarital counseling or education.**

148 (1) Premarital counseling [as used in this act shall] may include [but not be limited to
149 lectures,] group counseling, individual counseling [and testing], and couple counseling.

150 (2) Premarital education may include:

151 (a) a lecture, class, seminar, or workshop provided by a person that meets the
152 requirements of Subsection [30-1-34\(2\)\(b\)\(i\)](#); or

153 (b) an online course approved by the Utah Marriage Commission as provided in
154 Subsection [30-1-34\(2\)\(b\)\(i\)\(F\)](#).

155 Section 5. Section **62A-1-120** is amended to read:

156 **62A-1-120. Utah Marriage Commission.**

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

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

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

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

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

164 (c) six current or former representatives from marriage and family studies departments,
165 social or behavioral sciences departments, health sciences departments, colleges of law, or
166 other related and supporting departments at institutions of higher education in this state, as
167 shall be appointed by the governor;

168 (d) five representatives selected and appointed by the governor from among the

169 following groups:

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

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

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

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

178 (v) representatives of faith communities;

179 (vi) public health professionals;

180 (vii) representatives of domestic violence prevention organizations; or

181 (viii) legal professionals; and

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

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

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

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

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

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

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

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

197 (6) (a) A commission member who is not a legislator may not receive compensation or
198 benefits for the commission member's service, but may receive per diem and travel expenses as
199 allowed in:

- 200 (i) Section 63A-3-106;
- 201 (ii) Section 63A-3-107; and
- 202 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
203 63A-3-107.

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

207 (7) The department shall staff the commission.

208 (8) The commission shall:

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

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

213 (c) promote public policies that support marriage;

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

217 (i) events;

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

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

221 and

222 (iv) enrichment seminars;

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

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

228 (g) regularly publicize information on premarital counseling and education services
229 available in the state that comply with Section 30-1-34;

230 (h) approve an online course meeting the requirements of Section 30-1-34; and

231 (i) for purposes of Section 30-1-34, recognize one or more national organizations that
232 certify family life educators.

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

236 Section 6. Section 63I-1-217 is amended to read:

237 **63I-1-217. Repeal dates, Title 17.**

238 (1) Subsection 17-16-21(2)(d) is repealed July 1, 2023.

239 ~~[(+)]~~ (2) (a) Subsections 17-36-55(1)(b), (1)(c), and (3) are repealed July 1, 2018.

240 ~~[(2)]~~ (b) When repealing the subsections listed in Subsection ~~[(+)]~~ (2)(a), the Office of
241 Legislative Research and General Counsel shall, in addition to its authority under Subsection
242 36-12-12(3), make other modifications necessary to ensure that the remaining subsections are
243 complete sentences, grammatically correct, and have correct numbering and cross references to
244 accurately reflect the office's perception of the Legislature's intent.

245 Section 7. Section 63I-1-230 is amended to read:

246 **63I-1-230. Repeal dates, Title 30.**

247 Sections 30-1-34, 30-1-36, and 30-1-39 are repealed July 1, 2023.

248 Section 8. Section 63I-1-262 is amended to read:

249 **63I-1-262. Repeal dates, Title 62A.**

250 (1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.

251 ~~[(+)]~~ (2) Section 62A-4a-213 is repealed July 1, 2019.

252 ~~[(2)]~~ (3) Section 62A-4a-202.9 is repealed December 31, 2019.

253 [~~(3)~~] (4) Subsection 62A-15-1101(5) is repealed July 1, 2018.

254 Section 9. Section 63I-1-263 is amended to read:

255 **63I-1-263. Repeal dates, Titles 63A to 63N.**

256 (1) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.

257 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

258 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
259 1, 2018.

260 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is
261 repealed November 30, 2019.

262 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
263 2020.

264 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
265 repealed July 1, 2021.

266 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
267 2018.

268 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
269 2023.

270 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
271 2020.

272 (10) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

273 (11) On July 1, 2025:

274 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
275 Development Coordinating Committee," is repealed;

276 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
277 sites for the transplant of species to local government officials having jurisdiction over areas
278 that may be affected by a transplant.";

279 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
280 Coordinating Committee" is repealed;

281 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
282 Coordinating Committee created in Section 63J-4-501 and" is repealed;

283 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
284 Coordinating Committee and" is repealed;

285 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
286 accordingly;

287 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

288 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
289 word "and" is inserted immediately after the semicolon;

290 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

291 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
292 and

293 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
294 renumbered accordingly.

295 (12) Subsection 63J-1-602.1(8) is repealed July 1, 2023.

296 [~~(12)~~] (13) (a) Subsection 63J-1-602.4(15) is repealed July 1, 2022.

297 (b) When repealing Subsection 63J-1-602.4(15), the Office of Legislative Research and
298 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
299 necessary changes to subsection numbering and cross references.

300 [~~(13)~~] (14) The Crime Victim Reparations and Assistance Board, created in Section
301 63M-7-504, is repealed July 1, 2027.

302 [~~(14)~~] (15) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
303 2027.

304 [~~(15)~~] (16) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

305 [~~(16)~~] (17) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,
306 is repealed January 1, 2021.

307 (b) Subject to Subsection [~~(16)~~] (17)(c), Sections 59-7-610 and 59-10-1007 regarding
308 tax credits for certain persons in recycling market development zones, are repealed for taxable

309 years beginning on or after January 1, 2021.

310 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

311 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
312 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

313 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
314 the expenditure is made on or after January 1, 2021.

315 (d) Notwithstanding Subsections [~~(16)~~] (17)(b) and (c), a person may carry forward a
316 tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

317 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

318 (ii) (A) for the purchase price of machinery or equipment described in Section
319 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
320 2020; or

321 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
322 expenditure is made on or before December 31, 2020.

323 [~~(17)~~] (18) Section 63N-2-512 is repealed on July 1, 2021.

324 [~~(18)~~] (19) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
325 January 1, 2021.

326 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
327 calendar years beginning on or after January 1, 2021.

328 (c) Notwithstanding Subsection [~~(18)~~] (19)(b), an entity may carry forward a tax credit
329 in accordance with Section 59-9-107 if:

330 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
331 31, 2020; and

332 (ii) the qualified equity investment that is the basis of the tax credit is certified under
333 Section 63N-2-603 on or before December 31, 2023.

334 [~~(19)~~] (20) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
335 Program, is repealed January 1, 2023.

336 [~~(20)~~] (21) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed

337 July 1, 2018.

338 [~~(21)~~] (22) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is
339 repealed July 1, 2018.

340 Section 10. Section **63J-1-602.1 (Effective 09/30/18)** is amended to read:

341 **63J-1-602.1 (Effective 09/30/18). List of nonlapsing accounts and funds -- General**
342 **authority and Title 1 through Title 30.**

343 (1) Appropriations made to the Legislature and its committees.

344 (2) The Utah Intracurricular Student Organization Support for Agricultural Education
345 and Leadership Restricted Account created in Section [4-42-102](#).

346 (3) The Percent-for-Art Program created in Section [9-6-404](#).

347 (4) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

348 (5) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
349 Section [9-18-102](#).

350 (6) The National Professional Men's Soccer Team Support of Building Communities
351 Restricted Account created in Section [9-19-102](#).

352 (7) The LeRay McAllister Critical Land Conservation Program created in Section
353 [11-38-301](#).

354 (8) Dedicated credits accrued to the Utah Marriage Commission as provided under
355 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

356 [~~(8)~~] (9) The Support for State-Owned Shooting Ranges Restricted Account created in
357 Section [23-14-13.5](#).

358 [~~(9)~~] (10) An appropriation made to the Division of Wildlife Resources for the
359 appraisal and purchase of lands under the Pelican Management Act, as provided in Section
360 [23-21a-6](#).

361 [~~(10)~~] (11) Award money under the State Asset Forfeiture Grant Program, as provided
362 under Section [24-4-117](#).

363 [~~(11)~~] (12) Funds collected from the program fund for local health department
364 expenses incurred in responding to a local health emergency under Section [26-1-38](#).

365 ~~[(12)]~~ (13) Funds collected from the emergency medical services grant program, as
366 provided in Section 26-8a-207.

367 ~~[(13)]~~ (14) The primary care grant program created in Section 26-10b-102.

368 ~~[(14)]~~ (15) The Children with Cancer Support Restricted Account created in Section
369 26-21a-304.

370 ~~[(15)]~~ (16) State funds appropriated for matching federal funds in the Children's Health
371 Insurance Program as provided in Section 26-40-108.

372 ~~[(16)]~~ (17) The Utah Health Care Workforce Financial Assistance Program created in
373 Section 26-46-102.

374 ~~[(17)]~~ (18) The Rural Physician Loan Repayment Program created in Section
375 26-46a-103.

376 ~~[(18)]~~ (19) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

377 ~~[(19)]~~ (20) The Children with Heart Disease Support Restricted Account created in
378 Section 26-58-102.

379 Section 11. **Appropriation.**

380 The following sums of money are appropriated for the fiscal year beginning July 1,
381 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
382 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
383 Act, the Legislature appropriates the following sums of money from the funds and accounts
384 indicated for the use and support of the government of the state of Utah.

385 ITEM 1

386 To Department of Human Services - Executive Director Operations

387 From Dedicated Credits Revenue

\$300,000

388 Schedule of Programs:

389 Marriage Commission

\$300,000

390 Section 12. **Repealer.**

391 This bill repeals:

392 Section 30-1-39, Violation of counseling provisions -- Misdemeanor.

393 Section 13. **Effective date.**

394 This bill takes effect September 30, 2018.