

Senator Allen M. Christensen proposes the following substitute bill:

**MARRIAGE AND PREMARITAL COUNSELING AND
EDUCATION AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Rebecca P. Edwards

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.



26 **Money Appropriated in this Bill:**

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

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35 **17-16-21**, as last amended by Laws of Utah 2013, Chapter 278
- 36 **30-1-30**, as enacted by Laws of Utah 1971, Chapter 64
- 37 **30-1-34**, as enacted by Laws of Utah 1971, Chapter 64
- 38 **30-1-36**, as enacted by Laws of Utah 1971, Chapter 64
- 39 **62A-1-120**, as last amended by Laws of Utah 2014, Chapter 387
- 40 **63I-1-217**, as enacted by Laws of Utah 2017, Chapter 313
- 41 **63I-1-230**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 42 **63I-1-262**, as last amended by Laws of Utah 2017, Chapter 459
- 43 **63I-1-263**, as last amended by Laws of Utah 2017, Chapters 23, 47, 95, 166, 205, 469,
- 44 and 470
- 45 **63J-1-602.1 (Effective 09/30/18)**, as last amended by Laws of Utah 2017, Chapters 88,
- 46 107, 194, and 383

47 REPEALS:

- 48 **30-1-39**, as enacted by Laws of Utah 1971, Chapter 64



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

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

52 **17-16-21. Fees of county officers.**

53 (1) As used in this section, "county officer" means ~~[all of the]~~ a county ~~[officers]~~
54 officer enumerated in Section **17-53-101** except a county ~~[recorders, county constables, and~~
55 ~~county sheriffs]~~ recorder, a county constable, or a county sheriff.

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

57 benefit:

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

59 and

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

61 (b) As long as the Children's Legal Defense Account is authorized by Section
62 51-9-408, the county clerk shall:

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

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

67 (c) (i) As long as the Division of Child and Family Services, created in Section
68 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including
69 temporary shelter, for victims of domestic violence, the county clerk shall:

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

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

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

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

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

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

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

87 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in

88 Section 62A-1-120, as dedicated credits for the operation of the Utah Marriage Commission;
89 and

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

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

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

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

97 **30-1-30. Premarital counseling or education -- State policy -- Applicability.**

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

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

104 **30-1-34. Certificate of completion of counseling or education.**

105 (1) The county clerk of [~~any~~] a county [~~which has adopted this act shall issue a~~
106 ~~marriage license to those applicants who come within the premarital counseling requirements~~
107 ~~of this act when the applicants present a certificate from the premarital counseling board that~~
108 ~~the counseling has been completed or has been found to be adequate if the license application~~
109 ~~otherwise conforms to the requirements for issuance of a marriage license. For those applicants~~
110 ~~who would otherwise need approval of the district court in order to marry, the certificate shall~~
111 ~~take the place of court consent if the parents, guardian or custodial parent of the applicant have~~
112 ~~given their consent to the marriage.] that operates an online marriage application system and
113 issues a marriage license to applicants who certify completion of premarital counseling or
114 education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.~~

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

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

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

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

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

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

125 (D) a family and consumer sciences educator;

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

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

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

131 (A) commitment in marriage; and

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

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

136 (iv) shall complete the premarital counseling or education meeting the requirements of
 137 this Subsection (2) not more than one year before but at least 14 days before the day on which
 138 the marriage license is issued.

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

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

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

144 **30-1-36. Activities included in premarital counseling or education.**

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

147 (2) Premarital education may include:

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

150 (b) an online course approved by the Utah Marriage Commission as provided in
151 Subsection 30-1-34(2)(b)(i)(F).

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

153 **62A-1-120. Utah Marriage Commission.**

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

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

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

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

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

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

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

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

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

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

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

175 (v) representatives of faith communities;

176 (vi) public health professionals;

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

178 (viii) legal professionals; and

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

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

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

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

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

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

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

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

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

197 (i) Section 63A-3-106;

198 (ii) Section 63A-3-107; and

199 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
200 63A-3-107.

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

204 (7) The department shall staff the commission.

205 (8) The commission shall:

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

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

210 (c) promote public policies that support marriage;

211 (d) promote programs and activities that educate individuals and couples on how to

212 achieve strong, successful, and lasting marriages, including promoting and assisting in the
213 offering of:

214 (i) events;

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

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

218 and

219 (iv) enrichment seminars;

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

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

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

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

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

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

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

234 **63I-1-217. Repeal dates, Title 17.**

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

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

237 ~~[(2)]~~ (b) When repealing the subsections listed in Subsection ~~[(+)]~~ (2)(a), the Office of
238 Legislative Research and General Counsel shall, in addition to its authority under Subsection
239 36-12-12(3), make other modifications necessary to ensure that the remaining subsections are
240 complete sentences, grammatically correct, and have correct numbering and cross references to
241 accurately reflect the office's perception of the Legislature's intent.

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

243 **63I-1-230. Repeal dates, Title 30.**

244 Sections [30-1-34](#), [30-1-36](#), and [30-1-39](#) are repealed July 1, 2023.

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

246 **63I-1-262. Repeal dates, Title 62A.**

247 (1) Subsections [62A-1-120](#)(8)(g), (h), and (i) are repealed July 1, 2023.

248 [~~(1)~~] (2) Section [62A-4a-213](#) is repealed July 1, 2019.

249 [~~(2)~~] (3) Section [62A-4a-202.9](#) is repealed December 31, 2019.

250 [~~(3)~~] (4) Subsection [62A-15-1101](#)(5) is repealed July 1, 2018.

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

252 **63I-1-263. Repeal dates, Titles 63A to 63N.**

253 (1) Subsection [63A-5-104](#)(4)(h) is repealed on July 1, 2024.

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

255 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
256 1, 2018.

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

259 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
260 2020.

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

263 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
264 2018.

265 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
266 2023.

267 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
268 2020.

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

270 (11) On July 1, 2025:

271 (a) in Subsection [17-27a-404](#)(3)(c)(ii), the language that states "the Resource
272 Development Coordinating Committee," is repealed;

273 (b) Subsection [23-14-21](#)(2)(c) is amended to read "(c) provide notification of proposed

274 sites for the transplant of species to local government officials having jurisdiction over areas
275 that may be affected by a transplant.";

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

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

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

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

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

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

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

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

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

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

293 [~~12~~] (13) (a) Subsection 63J-1-602.4(15) is repealed July 1, 2022.

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

297 [~~13~~] (14) The Crime Victim Reparations and Assistance Board, created in Section
298 63M-7-504, is repealed July 1, 2027.

299 [~~14~~] (15) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
300 2027.

301 [~~15~~] (16) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

302 [~~16~~] (17) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,
303 is repealed January 1, 2021.

304 (b) Subject to Subsection [~~16~~] (17)(c), Sections 59-7-610 and 59-10-1007 regarding

305 tax credits for certain persons in recycling market development zones, are repealed for taxable
306 years beginning on or after January 1, 2021.

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

308 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
309 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

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

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

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

315 (ii) (A) for the purchase price of machinery or equipment described in Section
316 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
317 2020; or

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

320 ~~[(17)]~~ (18) Section 63N-2-512 is repealed on July 1, 2021.

321 ~~[(18)]~~ (19) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
322 January 1, 2021.

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

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

327 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
328 31, 2020; and

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

331 ~~[(19)]~~ (20) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
332 Program, is repealed January 1, 2023.

333 ~~[(20)]~~ (21) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed
334 July 1, 2018.

335 ~~[(21)]~~ (22) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is

336 repealed July 1, 2018.

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

338 **63J-1-602.1 (Effective 09/30/18). List of nonlapsing accounts and funds -- General**
339 **authority and Title 1 through Title 30.**

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

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

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

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

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

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

349 (7) The LeRay McAllister Critical Land Conservation Program created in Section
350 [11-38-301](#).

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

353 [~~8~~] (9) The Support for State-Owned Shooting Ranges Restricted Account created in
354 Section [23-14-13.5](#).

355 [~~9~~] (10) An appropriation made to the Division of Wildlife Resources for the
356 appraisal and purchase of lands under the Pelican Management Act, as provided in Section
357 [23-21a-6](#).

358 [~~10~~] (11) Award money under the State Asset Forfeiture Grant Program, as provided
359 under Section [24-4-117](#).

360 [~~11~~] (12) Funds collected from the program fund for local health department
361 expenses incurred in responding to a local health emergency under Section [26-1-38](#).

362 [~~12~~] (13) Funds collected from the emergency medical services grant program, as
363 provided in Section [26-8a-207](#).

364 [~~13~~] (14) The primary care grant program created in Section [26-10b-102](#).

365 [~~14~~] (15) The Children with Cancer Support Restricted Account created in Section
366 [26-21a-304](#).

367 [~~(15)~~] (16) State funds appropriated for matching federal funds in the Children's Health
368 Insurance Program as provided in Section 26-40-108.

369 [~~(16)~~] (17) The Utah Health Care Workforce Financial Assistance Program created in
370 Section 26-46-102.

371 [~~(17)~~] (18) The Rural Physician Loan Repayment Program created in Section
372 26-46a-103.

373 [~~(18)~~] (19) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

374 [~~(19)~~] (20) The Children with Heart Disease Support Restricted Account created in
375 Section 26-58-102.

376 Section 11. **Appropriation.**

377 The following sums of money are appropriated for the fiscal year beginning July 1,
378 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
379 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
380 Act, the Legislature appropriates the following sums of money from the funds and accounts
381 indicated for the use and support of the government of the state of Utah.

382 ITEM 1

383 To Department of Human Services - Executive Director Operations

384 From Dedicated Credits Revenue \$300,000

385 Schedule of Programs:

386 Marriage Commission \$300,000

387 Section 12. **Repealer.**

388 This bill repeals:

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

390 Section 13. **Effective date.**

391 This bill takes effect September 30, 2018.