

SB0054S01 compared with SB0054

~~{deleted text}~~ shows text that was in SB0054 but was deleted in SB0054S01.

Inserted text shows text that was not in SB0054 but was inserted into SB0054S01.

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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: _____

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 ~~{in}~~into the General Fund as a ~~{specific restricted account}~~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

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education are met;

- providing what activities are included in premarital counseling and education; and
- ~~{imposing}~~removing a specific penalty;
- ▶ outlines duties of the Utah Marriage Commission~~{, including providing rulemaking authority;~~
- ▶ ~~creates the Marriage Education Restricted Account};~~
- ▶ provides for a five year sunset review; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

~~{None}~~This bill appropriates in fiscal year 2019:

- ▶ to the Department of Human Services - Executive director operations, as an ongoing appropriation;
- from Dedicated Credit Revenue, \$300,000.

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

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

30-1-34, as enacted by Laws of Utah 1971, Chapter 64

30-1-36, 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

‡ 63I-1-217, as enacted by Laws of Utah 2017, Chapter 313

63I-1-230, as renumbered and amended by Laws of Utah 2008, Chapter 382

63I-1-262, as last amended by Laws of Utah 2017, Chapter 459

63I-1-263, as last amended by Laws of Utah 2017, Chapters 23, 47, 95, 166, 205, 469, and 470

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63J-1-602.1 (Effective 09/30/18), as last amended by Laws of Utah 2017, Chapters 88, 107, 194, and 383

REPEALS:

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

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

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

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

(ii) any other ~~[fees]~~ fee 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~~;~~ and 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.

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(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 a county operates an online marriage application system, the county clerk of that county:

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

(ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage license fee to the ~~{Division of Finance for deposit in the Marriage Education Restricted Account}~~state treasurer for deposit annually as follows:

(A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in Section ~~{62A-1-121}~~62A-1-120, as dedicated credits for the operation of the Utah Marriage Commission;

and

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

(iii) may not transmit \$20 from the marriage license fee to the ~~{Division of Finance}~~state treasurer under this Subsection (2)(d) if both individuals seeking the marriage license certify that they have completed premarital counseling or education in accordance with Section 30-1-34.

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

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

30-1-30. Premarital counseling or education -- 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 counseling [~~prior to~~] or education before securing a marriage license [~~by persons under 19 years of age and by persons who have been previously divorced~~].

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

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

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

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

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

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

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

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

(C) an individual certified by a national organization recognized by the Utah Marriage Commission, created in Section 62A-1-120, ~~by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~ as a family life educator;

(D) a family and consumer sciences educator;

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

(F) an online course approved by the Utah Marriage Commission ~~by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~;

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

(A) commitment in marriage; and

(B) effective communication and problem-solving skills, including avoiding violence

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and abuse in the relationship;

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

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

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

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

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

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

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

(2) Premarital education may include:

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

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

Section 5. Section ~~{30-1-39}~~62A-1-120 is amended to read:

~~{~~ ~~**30-1-39. Violation of counseling provisions -- Misdemeanor.**~~

~~_____ [Any] A person [coming within the provisions of this act] who falsely [represents] certifies that [he has] the person complied with the requirements of [a master plan for premarital counseling or who, 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, is guilty of a misdemeanor] Section 30-1-34 or who colludes with another person for the purpose of receiving the benefit of Subsection 30-1-34(1) is guilty of an infraction.~~

~~_____~~ Section 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.

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(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 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.

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(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.

(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;

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and

(iv) enrichment seminars;

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

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

(h) approve {, by rule issued under Title 63G, Chapter 3, Utah Administrative Rulemaking Act,} an online course meeting the requirements of Section 30-1-34; ~~and~~

(i) for purposes of Section 30-1-34 {, by rule issued under Title 63G, Chapter 3, Utah Administrative Rulemaking Act,}, recognize one or more national organizations that certify family life {instructors; and

~~— (j) administer the Marriage Education Restricted Account established in Section 62A-1-121} educators.~~

(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).

Section {7}6. Section {~~62A-1-121~~} 63I-1-217 is {~~enacted~~} amended 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 Restricted Account."~~

~~— (2) The Marriage Education Restricted Account shall consist of:~~

~~— (a) money deposited under } 63I-1-217. Repeal dates, Title 17.~~

(1) Subsection 17-16-21(2)(d) {, and

~~— (b) interest earned on the Marriage Education Restricted Account.~~

~~— (3) At the close of any fiscal year, any balance in the Marriage Education Restricted Account in excess of \$400,000 shall be transferred to the General Fund.~~

~~— (4) Subject to appropriation } is repealed July 1, 2023.~~

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

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[(2)] (b) When repealing the subsections listed in Subsection [(1)] (2)(a), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make other modifications necessary to ensure that the remaining subsections are complete sentences, grammatically correct, and have correct numbering and cross references to accurately reflect the office's perception of the ~~{Legislature,}~~ Legislature's intent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2020.

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

(11) On July 1, 2025:

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

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

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

(b) Subject to Subsection ~~[(16)]~~ (17)(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2021.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the qualified equity investment that is the basis of the tax credit is certified under

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Section 63N-2-603 on or before December 31, 2023.

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

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

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

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

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

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

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

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

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

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

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

(7) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.

(8) Dedicated credits accrued to the Utah Marriage Commission ~~{shall use the Marriage Education}~~ as provided under Section 17-16-21(2)(d)(ii).

~~[(8)]~~ (9) The Support for State-Owned Shooting Ranges Restricted Account ~~{to fund marriage-strengthening education services across the state in accordance with Section 62A-1-120.~~

~~Section 8}~~ created in Section 23-14-13.5.

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

~~[(10)]~~ (11) Award money under the State Asset Forfeiture Grant Program, as provided

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under Section 24-4-117.

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

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

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

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

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

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

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

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

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

Section 11. Appropriation.

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

ITEM 1

To Department of Human Services - Executive Director Operations

From Dedicated Credits Revenue \$300,000

Schedule of Programs:

Marriage Commission \$300,000

Section 12. Repealer.

This bill repeals:

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

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Section 13. Effective date.

This bill takes effect September ~~11~~30, 2018.

†

~~Legislative Review Note~~

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