

MARRIAGE COMMISSION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd D. Weiler

Cosponsors: Merrill F. Nelson

Dan N. Johnson Paul Ray

LONG TITLE

General Description:

This bill makes changes pertaining to the Utah Marriage Commission.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ moves oversight responsibility of the Utah Marriage Commission from the Department of Human Services to Utah State University;
- ▶ changes the membership of the Utah Marriage Commission;
- ▶ modifies provisions relating to appointment, reappointment, and removal of commission members;
- ▶ repeals the sunset date for the marriage license fee, replacing it with a reporting requirement; and
- ▶ repeals sunset date provisions related to pre-marriage counseling and education.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

28 AMENDS:

- 29 **17-16-21**, as last amended by Laws of Utah 2018, Chapter 347
- 30 **30-1-34**, as last amended by Laws of Utah 2018, Chapter 347
- 31 **63I-1-217**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 18
- 32 **63I-1-230**, as last amended by Laws of Utah 2020, Chapter 354
- 33 **63I-1-262**, as last amended by Laws of Utah 2020, Chapters 154, 303, 304, and 358

34 ENACTS:

- 35 **63M-14-101**, Utah Code Annotated 1953
- 36 **63M-14-102**, Utah Code Annotated 1953
- 37 **63M-14-201**, Utah Code Annotated 1953
- 38 **63M-14-202**, Utah Code Annotated 1953
- 39 **63M-14-203**, Utah Code Annotated 1953
- 40 **63M-14-204**, Utah Code Annotated 1953
- 41 **63M-14-205**, Utah Code Annotated 1953
- 42 **63M-14-206**, Utah Code Annotated 1953

43 REPEALS:

- 44 **62A-1-120**, as last amended by Laws of Utah 2018, Chapter 347



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

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

48 **17-16-21. Fees of county officers.**

49 (1) As used in this section, "county officer" means a county officer enumerated in
50 Section **17-53-101** except a county recorder, a county constable, or a county sheriff.

51 (2) (a) A county officer shall collect, in advance, for exclusive county use and benefit:

52 (i) a fee established by the county legislative body under Section **17-53-211**; and

53 (ii) any other fee authorized or required by law.

54 (b) As long as the Children's Legal Defense Account is authorized by Section

55 51-9-408, the county clerk shall:

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

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

60 (c) (i) As long as the Division of Child and Family Services, created in Section
61 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including
62 temporary shelter, for victims of domestic violence, the county clerk shall:

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

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

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

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

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

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

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

80 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in
81 ~~Section 62A-1-120~~ Title 63M, Chapter 14, Utah Marriage Commission, as dedicated credits

82 for the operation of the Utah Marriage Commission; and

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

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

87 (3) This section does not apply to a fee currently being assessed by the state but
88 collected by a county officer.

89 Section 2. Section 30-1-34 is amended to read:

90 **30-1-34. Completion of counseling or education.**

91 (1) The county clerk of a county that operates an online marriage application system
92 and issues a marriage license to applicants who certify completion of premarital counseling or
93 education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.

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

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

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

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

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

102 (C) an individual certified by a national organization recognized by the Utah Marriage
103 Commission, created in [~~Section 62A-1-120~~] Title 63M, Chapter 14, Utah Marriage
104 Commission, as a family life educator;

105 (D) a family and consumer sciences educator;

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

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

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

111 (A) commitment in marriage; and

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

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

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

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

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

123 Section 3. Section **63I-1-217** is amended to read:

124 **63I-1-217. Repeal dates, Title 17.**

125 [~~(1) Subsection 17-16-21(2)(d) is repealed July 1, 2023.~~]

126 [~~(2)~~] Title 17, Chapter 21a, Part 3, Administration and Standards, which creates the
127 Utah Electronic Recording Commission, is repealed July 1, 2022.

128 Section 4. Section **63I-1-230** is amended to read:

129 **63I-1-230. Repeal dates, Title 30.**

130 [~~Sections 30-1-34 and 30-1-36 are repealed July 1, 2023.~~]

131 Section 5. Section **63I-1-262** is amended to read:

132 **63I-1-262. Repeal dates, Title 62A.**

133 [~~(1) Subsections 62A-1-120(8)(g), (h), and (i) relating to completion of premarital
134 counseling or education under Section 30-1-34 are repealed July 1, 2023.~~]

135 [~~(2)~~] (1) Section **62A-3-209** is repealed July 1, 2023.

136 ~~[(3)]~~ (2) Section 62A-4a-202.9 is repealed December 31, 2021.

137 ~~[(4)]~~ (3) Section 62A-4a-213 is repealed July 1, 2024.

138 ~~[(5)]~~ (4) Sections 62A-5a-101, 62A-5a-102, 62A-5a-103, and 62A-5a-104, which
139 create the Coordinating Council for Persons with Disabilities, are repealed July 1, 2022.

140 ~~[(6)]~~ (5) Section 62A-15-114 is repealed December 31, 2021.

141 ~~[(7)]~~ (6) Subsections 62A-15-116(1) and (4), the language that states "In consultation
142 with the Behavioral Health Crisis Response Commission, established in Section 63C-18-202,"
143 is repealed January 1, 2023.

144 ~~[(8)]~~ (7) Section 62A-15-118 is repealed December 31, 2023.

145 ~~[(9)]~~ (8) Subsections 62A-15-605(3)(h) and (4) relating to the study of long-term needs
146 for adult beds in the state hospital are repealed July 1, 2022.

147 ~~[(10)]~~ (9) Section 62A-15-605, which creates the Forensic Mental Health Coordinating
148 Council, is repealed July 1, 2023.

149 ~~[(11)]~~ (10) Subsections 62A-15-1100(1) and 62A-15-1101(9), in relation to the Utah
150 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

151 ~~[(12)]~~ (11) In relation to the Behavioral Health Crisis Response Commission, on July
152 1, 2023:

153 (a) Subsections 62A-15-1301(2) and 62A-15-1401(1) are repealed;

154 (b) Subsection 62A-15-1302(1)(b), the language that states "and in consultation with
155 the commission" is repealed;

156 (c) Section 62A-15-1303, the language that states "In consultation with the
157 commission," is repealed;

158 (d) Subsection 62A-15-1402(2)(a), the language that states "With recommendations
159 from the commission," is repealed; and

160 (e) Subsection 62A-15-1702(6) is repealed.

161 Section 6. Section 63M-14-101 is enacted to read:

162 **CHAPTER 14. UTAH MARRIAGE COMMISSION**

163 **Part 1. General Provisions**

164 **63M-14-101. Title.**

165 This chapter is known as the "Utah Marriage Commission."

166 Section 7. Section **63M-14-102** is enacted to read:

167 **63M-14-102. Definitions.**

168 As used in this chapter:

169 (1) "Commission" means the Utah Marriage Commission created by this chapter.

170 (2) "Commission leadership" means the commission's elected chair, elected vice chair,
171 and coordinator.

172 (3) "Coordinator" means an employee from Utah State University described in Section
173 63M-14-206.

174 Section 8. Section **63M-14-201** is enacted to read:

175 **Part 2. Commission**

176 **63M-14-201. Composition--Appointments--Terms--Removal.**

177 (1) There is created within the governor's office the "Utah Marriage Commission."

178 (2) The commission comprises at least 10 members but no more than 30 members,
179 appointed as follows:

180 (a) the president of the Senate shall appoint two members of the Senate;

181 (b) the speaker of the House of Representatives shall appoint two members of the
182 House of Representatives;

183 (c) the governor, or commission leadership under Section 63M-14-202, shall appoint
184 up to 28 members that:

185 (i) may come from the following groups:

186 (A) non-profit organizations or governmental agencies;

187 (B) social workers who are, or have been, licensed under Title 58, Chapter 60, Part 2,
188 Social Worker Licensing Act;

189 (C) psychologists who are, or have been, licensed under Title 58, Chapter 61,

190 Psychologist Licensing Act;

191 (D) physicians who are, or have been, board certified in psychiatry and are, or have
192 been, licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68,

193 Utah Osteopathic Medical Practice Act;

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

196 (F) representatives of faith communities;

197 (G) public health professionals;

198 (H) representatives of domestic violence prevention organizations;

199 (I) academics from marriage and family studies departments, social or behavioral
200 sciences departments, health sciences departments, colleges of law, or other related and
201 supporting departments at institutions of higher education in this state;

202 (J) the general public;

203 (K) individuals with marketing or public relations experience; and

204 (L) legal professionals; or

205 (ii) have skills or expertise the commission requires to fulfill the commission's duties
206 described in Section [63M-14-204](#).

207 (3) (a) An individual appointed under Subsection (2)(c) shall serve for a term of four
208 years.

209 (b) If approved by the commission, an individual may be appointed for subsequent
210 terms.

211 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
212 appointed by the applicable appointing authority for the remainder of the unexpired term of the
213 original appointment.

214 (d) Upon majority vote within commission leadership, commission leadership may
215 remove a member of the commission if the member is unable to serve.

216 (e) Commission leadership may appoint as many non-voting members as necessary if

217 the individuals appointed have skills or expertise related to the commission's duties, described
218 in Section [63M-14-204](#).

219 Section 9. Section **63M-14-202** is enacted to read:

220 **63M-14-202. Appointee replacement.**

221 If a member appointed under Subsection [63M-14-201\(2\)\(c\)](#) resigns from the
222 commission, is removed from the commission under Subsection [63M-14-201\(2\)\(d\)](#), or the
223 member's term expires, the governor or commission leadership shall appoint a replacement
224 member within 90 days after the day on which the governor receives notice of the member's
225 resignation, removal, or term expiration.

226 Section 10. Section **63M-14-203** is enacted to read:

227 **63M-14-203. Commission meetings.**

228 (1) The commission shall annually elect a chair and vice chair from the commission's
229 membership.

230 (2) The commission shall hold meetings as needed to fulfill the commission's duties.

231 (3) A meeting may be held on the call of the chair or a majority of the commission
232 members.

233 (4) A majority of the voting members of the commission constitute a quorum and, if a
234 quorum exists, the action of a majority of commission members present constitutes the action
235 of the commission.

236 Section 11. Section **63M-14-204** is enacted to read:

237 **63M-14-204. Commission duties.**

238 The commission shall:

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

241 (2) contribute to greater awareness of the importance of marriage in an effort to reduce
242 divorce and unwed parenthood in the state;

243 (3) promote public policies that support marriage;

244 (4) promote programs and activities that educate individuals and couples on how to
245 achieve strong, successful, and lasting marriages, including promoting and assisting in the
246 offering of:

247 (a) events;

248 (b) classes and services, including those designed to promote strong, healthy, and
249 lasting marriages and prevent domestic violence;

250 (c) marriage and relationship education conferences for the public and professionals;

251 and

252 (d) enrichment seminars;

253 (5) actively promote measures designed to maintain and strengthen marriage, family,
254 and the relationships between spouses and parents and children;

255 (6) support volunteerism and private financial contributions and grants in partnership
256 with the commission and in support of the commission's purposes and activities for the benefit
257 of the state as provided in this section;

258 (7) regularly publicize information on premarital counseling and education services
259 available in the state that comply with Section [30-1-34](#);

260 (8) approve an online course meeting the requirements of Section [30-1-34](#); and

261 (9) for purposes of Section [30-1-34](#), recognize one or more national organizations that
262 certify family life educators.

263 Section 12. Section **63M-14-205** is enacted to read:

264 **63M-14-205. Member pay -- Reimbursement.**

265 (1) A commission member who is not a legislator may not receive compensation or
266 benefits for the commission member's service, but may receive per diem and travel expenses as
267 allowed in:

268 (a) Section [63A-3-106](#);

269 (b) Section [63A-3-107](#); and

270 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and

271 [63A-3-107.](#)

272 (2) Compensation and expenses of a commission member who is a legislator are
273 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and
274 Expenses.

275 Section 13. Section **63M-14-206** is enacted to read:

276 **63M-14-206. Oversight -- Staff support -- Funding.**

277 (1) Utah State University shall:

278 (a) working in consultation with the commission, hire a coordinator to manage the
279 day-to-day operations of the commission;

280 (b) pay the salary of the coordinator and review the coordinator's performance;

281 (c) provide other staff support for the commission; and

282 (d) provide office space, furnishings, and supplies to the commission, the coordinator,
283 and support staff.

284 (2) Funding for the commission shall be dedicated credits from the \$20 marriage
285 license fee described in Section [17-16-21](#) and added funding sought by the commission from
286 private contributions and grants that support the duties of the commission described in Section
287 [63M-14-204.](#)

288 (3) Before November 1, 2024, and before November 1 of each third year after 2024,
289 the commission shall provide a written report to the Health and Human Services Interim
290 Committee regarding the commission's:

291 (a) initiatives and whether the initiatives could be accomplished by a private
292 organization; and

293 (b) funding sources, including the effectiveness and necessity of the marriage license
294 fee, described in Section [17-16-21](#), in providing commission funding.

295 Section 14. **Repealer.**

296 This bill repeals:

297 Section **[62A-1-120](#), Utah Marriage Commission.**

