

MARRIAGE COMMISSION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd D. Weiler

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 10 voting for 5 voting against 2 absent

General Description:

This bill makes changes pertaining to the Utah Marriage Commission.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ removes the online marriage application fee and imposes a lower fee for all marriage licenses;
- ▶ removes waiver of the fee for completing pre-marriage counseling;
- ▶ repeals provisions pertaining to marriage counseling;
- ▶ 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; and
- ▶ repeals the sunset date for the fee, replacing it with a reporting requirement.

Money Appropriated in this Bill:

None

Other Special Clauses:



29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17-16-21**, as last amended by Laws of Utah 2018, Chapter 347

33 **63I-1-217**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 18

34 **63I-1-230**, as last amended by Laws of Utah 2020, Chapter 354

35 **63I-1-262**, as last amended by Laws of Utah 2020, Chapters 154, 303, 304, and 358

36 ENACTS:

37 **63M-14-101**, Utah Code Annotated 1953

38 **63M-14-102**, Utah Code Annotated 1953

39 **63M-14-201**, Utah Code Annotated 1953

40 **63M-14-202**, Utah Code Annotated 1953

41 **63M-14-203**, Utah Code Annotated 1953

42 **63M-14-204**, Utah Code Annotated 1953

43 **63M-14-205**, Utah Code Annotated 1953

44 **63M-14-206**, Utah Code Annotated 1953

45 REPEALS:

46 **30-1-34**, as last amended by Laws of Utah 2018, Chapter 347

47 **30-1-36**, as last amended by Laws of Utah 2018, Chapter 347

48 **62A-1-120**, as last amended by Laws of Utah 2018, Chapter 347



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 a county officer enumerated in

54 Section **17-53-101** except a county recorder, a county constable, or a county sheriff.

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

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

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

58 (b) As long as the Children's Legal Defense Account is authorized by Section **51-9-408**,

59 the county clerk shall:

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

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

64 (c) (i) As long as the Division of Child and Family Services, created in Section
65 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including
66 temporary shelter, for victims of domestic violence, the county clerk shall:

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

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

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

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

78 ~~[(d) If a county operates an online marriage application system, the county clerk of that~~
79 ~~county:]~~

80 (d) A county clerk shall:

81 (i) ~~[may assess \$20]~~ assess \$10 in addition to the other fees for a marriage license
82 established under this section;

83 (ii) ~~[except as provided in Subsection (2)(d)(iii), shall transmit \$20]~~ transmit \$10 from
84 the marriage license fee to the state treasurer for deposit annually as follows:

85 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in
86 ~~[Section 62A-1-120]~~ Title 63M, Chapter 14, Utah Marriage Commission, as dedicated credits
87 for the operation of the Utah Marriage Commission; and

88 (B) proceeds in excess of \$400,000 shall be deposited into the General Fund~~[-and]~~.

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

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

94 Section 2. Section 63I-1-217 is amended to read:

95 **63I-1-217. Repeal dates, Title 17.**

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

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

99 Section 3. Section 63I-1-230 is amended to read:

100 **63I-1-230. Repeal dates, Title 30.**

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

102 Section 4. Section 63I-1-262 is amended to read:

103 **63I-1-262. Repeal dates, Title 62A.**

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

106 [~~(2)~~] (1) Section 62A-3-209 is repealed July 1, 2023.

107 [~~(3)~~] (2) Section 62A-4a-202.9 is repealed December 31, 2021.

108 [~~(4)~~] (3) Section 62A-4a-213 is repealed July 1, 2024.

109 [~~(5)~~] (4) Sections 62A-5a-101, 62A-5a-102, 62A-5a-103, and 62A-5a-104, which
110 create the Coordinating Council for Persons with Disabilities, are repealed July 1, 2022.

111 [~~(6)~~] (5) Section 62A-15-114 is repealed December 31, 2021.

112 [~~(7)~~] (6) Subsections 62A-15-116(1) and (4), the language that states "In consultation
113 with the Behavioral Health Crisis Response Commission, established in Section 63C-18-202,"
114 is repealed January 1, 2023.

115 [~~(8)~~] (7) Section 62A-15-118 is repealed December 31, 2023.

116 [~~(9)~~] (8) Subsections 62A-15-605(3)(h) and (4) relating to the study of long-term needs
117 for adult beds in the state hospital are repealed July 1, 2022.

118 [~~(10)~~] (9) Section 62A-15-605, which creates the Forensic Mental Health Coordinating
119 Council, is repealed July 1, 2023.

120 [~~(11)~~] (10) Subsections 62A-15-1100(1) and 62A-15-1101(9), in relation to the Utah
121 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

122 [~~(12)~~] (11) In relation to the Behavioral Health Crisis Response Commission, on July 1,
123 2023:

- 124 (a) Subsections [62A-15-1301\(2\)](#) and [62A-15-1401\(1\)](#) are repealed;
- 125 (b) Subsection [62A-15-1302\(1\)\(b\)](#), the language that states "and in consultation with the
- 126 commission" is repealed;
- 127 (c) Section [62A-15-1303](#), the language that states "In consultation with the commission,"
- 128 is repealed;
- 129 (d) Subsection [62A-15-1402\(2\)\(a\)](#), the language that states "With recommendations
- 130 from the commission," is repealed; and
- 131 (e) Subsection [62A-15-1702\(6\)](#) is repealed.

132 Section 5. Section **63M-14-101** is enacted to read:

133 **CHAPTER 14. UTAH MARRIAGE COMMISSION**

134 **Part 1. General Provisions**

135 **63M-14-101. Title.**

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

137 Section 6. Section **63M-14-102** is enacted to read:

138 **63M-14-102. Definitions.**

139 As used in this chapter:

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

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

143 (3) "Coordinator" means an employee from Utah State University described in Section

144 [63M-14-206](#).

145 Section 7. Section **63M-14-201** is enacted to read:

146 **Part 2. Commission**

147 **63M-14-201. Composition--Appointments--Terms--Removal.**

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

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

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

152 (b) the speaker of the House of Representatives shall appoint two members of the House
153 of Representatives;

154 (c) the governor, or commission leadership under Section [63M-14-202](#), shall appoint up
155 to 28 members that:

- 156 (i) may come from the following groups:
- 157 (A) non-profit organizations or governmental agencies;
- 158 (B) social workers who are, or have been, licensed under Title 58, Chapter 60, Part 2,
- 159 Social Worker Licensing Act;
- 160 (C) psychologists who are, or have been, licensed under Title 58, Chapter 61,
- 161 Psychologist Licensing Act;
- 162 (D) physicians who are, or have been, board certified in psychiatry and are, or have
- 163 been, licensed under Title 58, Chapter 67, Utah Medical Practice Act or Title 58, Chapter 68,
- 164 Utah Osteopathic Medical Practice Act;
- 165 (E) marriage and family therapists who are, or have been, licensed under Title 58,
- 166 Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;
- 167 (F) representatives of faith communities;
- 168 (G) public health professionals;
- 169 (H) representatives of domestic violence prevention organizations;
- 170 (I) academics from marriage and family studies departments, social or behavioral
- 171 sciences departments, health sciences departments, colleges of law, or other related and
- 172 supporting departments at institutions of higher education in this state;
- 173 (J) the general public;
- 174 (K) individuals with marketing or public relations experience; and
- 175 (L) legal professionals; or
- 176 (ii) have skills or expertise the commission requires to fulfill the commission's duties
- 177 described in Section [63M-14-204](#).
- 178 (3) (a) An individual appointed under Subsection (2)(c) shall serve for a term of four
- 179 years.
- 180 (b) If approved by the commission, an individual may be appointed for subsequent
- 181 terms.
- 182 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
- 183 appointed by the applicable appointing authority for the remainder of the unexpired term of the
- 184 original appointment.
- 185 (d) Upon majority vote within commission leadership, commission leadership may
- 186 remove a member of the commission if the member is unable to serve.
- 187 (e) Commission leadership may appoint as many non-voting members as necessary if the

188 individuals appointed have skills or expertise related to the commission's duties, described in
189 Section 63M-14-204.

190 Section 8. Section **63M-14-202** is enacted to read:

191 **63M-14-202. Appointee replacement.**

192 If a member appointed under Subsection 63M-14-201(2)(c) resigns from the
193 commission, is removed from the commission under Subsection 63M-14-201(2)(d), or the
194 member's term expires, the governor or commission leadership shall appoint a replacement
195 member within 90 days after the day on which the governor receives notice of the member's
196 resignation, removal, or term expiration.

197 Section 9. Section **63M-14-203** is enacted to read:

198 **63M-14-203. Commission meetings.**

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

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

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

204 (4) A majority of the voting members of the commission constitute a quorum and, if a
205 quorum exists, the action of a majority of commission members present constitutes the action of
206 the commission.

207 Section 10. Section **63M-14-204** is enacted to read:

208 **63M-14-204. Commission duties.**

209 The commission shall:

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

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

214 (3) promote public policies that support marriage;

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

218 (a) events;

219 (b) classes and services, including those designed to promote strong, healthy, and lasting

220 marriages and prevent domestic violence;

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

222 and

223 (d) enrichment seminars;

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

226 (6) support volunteerism and private financial contributions and grants in partnership
227 with the commission and in support of the commission's purposes and activities for the benefit of
228 the state as provided in this section.

229 Section 11. Section **63M-14-205** is enacted to read:

230 **63M-14-205. Member pay -- Reimbursement.**

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

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

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

236 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
237 [63A-3-107](#).

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

241 Section 12. Section **63M-14-206** is enacted to read:

242 **63M-14-206. Oversight -- Staff support -- Funding.**

243 (1) Utah State University shall:

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

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

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

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

250 (2) Funding for the commission shall be as approved by the Legislature through annual
251 appropriations and the added funding sought by the commission from private contributions and

252 grants that support the duties of the commission described in Section [63M-14-204](#).

253 (3) Before November 1, 2026, and before November 1 of each fifth year after 2026, the
254 commission shall report to the Health and Human Services Interim Committee regarding the
255 commission's initiatives and funding sources.

256 Section 13. **Repealer.**

257 This bill repeals:

258 Section [30-1-34](#), **Completion of counseling or education.**

259 Section [30-1-36](#), **Activities included in premarital counseling or education.**

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