

Representative Melissa G. Ballard proposes the following substitute bill:

MARRIAGE COMMISSION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd D. Weiler

LONG TITLE

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:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **17-16-21**, as last amended by Laws of Utah 2018, Chapter 347

30 **63I-1-217**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 18

31 **63I-1-230**, as last amended by Laws of Utah 2020, Chapter 354

32 **63I-1-262**, as last amended by Laws of Utah 2020, Chapters 154, 303, 304, and 358

33 ENACTS:

34 **63M-14-101**, Utah Code Annotated 1953

35 **63M-14-102**, Utah Code Annotated 1953

36 **63M-14-201**, Utah Code Annotated 1953

37 **63M-14-202**, Utah Code Annotated 1953

38 **63M-14-203**, Utah Code Annotated 1953

39 **63M-14-204**, Utah Code Annotated 1953

40 **63M-14-205**, Utah Code Annotated 1953

41 **63M-14-206**, Utah Code Annotated 1953

42 REPEALS:

43 **30-1-34**, as last amended by Laws of Utah 2018, Chapter 347

44 **30-1-36**, as last amended by Laws of Utah 2018, Chapter 347

45 **62A-1-120**, as last amended by Laws of Utah 2018, Chapter 347



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

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

49 **17-16-21. Fees of county officers.**

50 (1) As used in this section, "county officer" means a county officer enumerated in

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

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

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

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

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

56 **51-9-408**, the county clerk shall:

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

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

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

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

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

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

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

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

77 (d) A county clerk shall:

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

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

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

85 (B) proceeds in excess of \$400,000 shall be ~~[deposited into the General Fund; and]~~
86 transferred to the Division of Finance for distribution to the Division of Child and Family
87 Services for the operation of shelters for victims of domestic violence.

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

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

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

94 **63I-1-217. Repeal dates, Title 17.**

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

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

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

99 **63I-1-230. Repeal dates, Title 30.**

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

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

102 **63I-1-262. Repeal dates, Title 62A.**

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

105 ~~[(2)]~~ (1) Section **62A-3-209** is repealed July 1, 2023.

106 ~~[(3)]~~ (2) Section **62A-4a-202.9** is repealed December 31, 2021.

107 ~~[(4)]~~ (3) Section **62A-4a-213** is repealed July 1, 2024.

108 ~~[(5)]~~ (4) Sections **62A-5a-101**, **62A-5a-102**, **62A-5a-103**, and **62A-5a-104**, which
109 create the Coordinating Council for Persons with Disabilities, are repealed July 1, 2022.

110 ~~[(6)]~~ (5) Section **62A-15-114** is repealed December 31, 2021.

111 ~~[(7)]~~ (6) Subsections **62A-15-116**(1) and (4), the language that states "In consultation
112 with the Behavioral Health Crisis Response Commission, established in Section **63C-18-202**,"
113 is repealed January 1, 2023.

114 ~~[(8)]~~ (7) Section **62A-15-118** is repealed December 31, 2023.

115 ~~[(9)]~~ (8) Subsections **62A-15-605**(3)(h) and (4) relating to the study of long-term needs
116 for adult beds in the state hospital are repealed July 1, 2022.

117 ~~[(10)]~~ (9) Section **62A-15-605**, which creates the Forensic Mental Health Coordinating
118 Council, is repealed July 1, 2023.

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

121 [(12)] (11) In relation to the Behavioral Health Crisis Response Commission, on July
122 1, 2023:

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

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

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

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

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

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

132 **CHAPTER 14. UTAH MARRIAGE COMMISSION**

133 **Part 1. General Provisions**

134 **63M-14-101. Title.**

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

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

137 **63M-14-102. Definitions.**

138 As used in this chapter:

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

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

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

143 63M-14-206.

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

145 **Part 2. Commission**

146 **63M-14-201. Composition--Appointments--Terms--Removal.**

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

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

- 150 (a) the president of the Senate shall appoint two members of the Senate;
151 (b) the speaker of the House of Representatives shall appoint two members of the
152 House of Representatives;
153 (c) the governor, or commission leadership under Section [63M-14-202](#), shall appoint
154 up to 28 members that:
155 (i) may come from the following groups:
156 (A) non-profit organizations or governmental agencies;
157 (B) social workers who are, or have been, licensed under Title 58, Chapter 60, Part 2,
158 Social Worker Licensing Act;
159 (C) psychologists who are, or have been, licensed under Title 58, Chapter 61,
160 Psychologist Licensing Act;
161 (D) physicians who are, or have been, board certified in psychiatry and are, or have
162 been, licensed under Title 58, Chapter 67, Utah Medical Practice Act or Title 58, Chapter 68,
163 Utah Osteopathic Medical Practice Act;
164 (E) marriage and family therapists who are, or have been, licensed under Title 58,
165 Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;
166 (F) representatives of faith communities;
167 (G) public health professionals;
168 (H) representatives of domestic violence prevention organizations;
169 (I) academics from marriage and family studies departments, social or behavioral
170 sciences departments, health sciences departments, colleges of law, or other related and
171 supporting departments at institutions of higher education in this state;
172 (J) the general public;
173 (K) individuals with marketing or public relations experience; and
174 (L) legal professionals; or
175 (ii) have skills or expertise the commission requires to fulfill the commission's duties
176 described in Section [63M-14-204](#).
177 (3) (a) An individual appointed under Subsection (2)(c) shall serve for a term of four
178 years.
179 (b) If approved by the commission, an individual may be appointed for subsequent
180 terms.

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

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

186 (e) Commission leadership may appoint as many non-voting members as necessary if
187 the individuals appointed have skills or expertise related to the commission's duties, described
188 in Section [63M-14-204](#).

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

190 **63M-14-202. Appointee replacement.**

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

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

197 **63M-14-203. Commission meetings.**

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

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

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

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

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

207 **63M-14-204. Commission duties.**

208 The commission shall:

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

211 (2) contribute to greater awareness of the importance of marriage in an effort to reduce

212 divorce and unwed parenthood in the state;

213 (3) promote public policies that support marriage;

214 (4) 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 (a) events;

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

219 lasting marriages and prevent domestic violence;

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

221 and

222 (d) enrichment seminars;

223 (5) actively promote measures designed to maintain and strengthen marriage, family,

224 and the relationships between spouses and parents and children; and

225 (6) 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 Section 11. Section **63M-14-205** is enacted to read:

229 **63M-14-205. Member pay -- Reimbursement.**

230 (1) A commission member who is not a legislator may not receive compensation or

231 benefits for the commission member's service, but may receive per diem and travel expenses as

232 allowed in:

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

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

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

236 [63A-3-107](#).

237 (2) Compensation and expenses of a commission member who is a legislator are

238 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and

239 Expenses.

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

241 **63M-14-206. Oversight -- Staff support -- Funding.**

242 (1) Utah State University shall:

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

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

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

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

249 (2) Funding for the commission shall be dedicated credits from the \$10 marriage
250 license fee described in Section [17-16-21](#) and added funding sought by the commission from
251 private contributions and grants that support the duties of the commission described in Section
252 [63M-14-204](#).

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

256 (a) initiatives; and

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

259 **Section 13. Repealer.**

260 This bill repeals:

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

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

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