

HB0055S02 compared with HB0055S01

~~text~~ shows text that was in HB0055S01 but was deleted in HB0055S02.

text shows text that was not in HB0055S01 but was inserted into HB0055S02.

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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;

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- ▶ modifies provisions relating to appointment, reappointment, and removal of commission members;~~{and}~~
- ▶ 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:

AMENDS:

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

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

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

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

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

ENACTS:

63M-14-101, Utah Code Annotated 1953

63M-14-102, Utah Code Annotated 1953

63M-14-201, Utah Code Annotated 1953

63M-14-202, Utah Code Annotated 1953

63M-14-203, Utah Code Annotated 1953

63M-14-204, Utah Code Annotated 1953

63M-14-205, Utah Code Annotated 1953

63M-14-206, Utah Code Annotated 1953

REPEALS:

~~{~~ 30-1-34, as last amended by Laws of Utah 2018, Chapter 347

~~—~~ 30-1-36, as last amended by Laws of Utah 2018, Chapter 347

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

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

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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 a county officer enumerated in Section 17-53-101 except a county recorder, a county constable, or a county sheriff.

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

- (i) a fee established by the county legislative body under Section 17-53-211; and
- (ii) any other 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.

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

~~(d)~~ (d) A county clerk shall:

~~(i)~~ (i) ~~(d)~~ may assess \$20 ~~(d)~~ assess \$10 in addition to the other fees for a marriage license

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established under this section;

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

(A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in ~~[Section 62A-1-120]~~ Title 63M, Chapter 14, Utah Marriage Commission, 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 ~~{}~~ transferred 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.

~~{}~~(iii) may not transmit \$20 from the marriage license fee to the 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 a fee currently being assessed by the state but collected by a county officer.

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

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

(1) The county clerk of a county 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]~~ Title 63M, Chapter 14, Utah Marriage Commission, as a family life educator;

(D) a family and consumer sciences educator;

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(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;

(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 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 ~~{2}~~3. Section **63I-1-217** is amended to read:

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

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

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

Section ~~{3}~~4. Section **63I-1-230** is amended to read:

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

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

Section ~~{4}~~5. 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) relating to completion of premarital counseling or education under Section 30-1-34 are repealed July 1, 2023.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{5}~~6. Section **63M-14-101** is enacted to read:

CHAPTER 14. UTAH MARRIAGE COMMISSION

Part 1. General Provisions

63M-14-101. Title.

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

Section ~~{6}~~7. Section **63M-14-102** is enacted to read:

63M-14-102. Definitions.

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As used in this chapter:

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

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

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

Section ~~{7}~~8. Section **63M-14-201** is enacted to read:

Part 2. Commission

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

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

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

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

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

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

(i) may come from the following groups:

(A) non-profit organizations or governmental agencies;

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

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

(D) 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 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

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

(F) representatives of faith communities;

(G) public health professionals;

(H) representatives of domestic violence prevention organizations;

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(I) academics 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;

(J) the general public;

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

(L) legal professionals; or

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

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

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

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

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

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

Section ~~8~~9. Section **63M-14-202** is enacted to read:

63M-14-202. Appointee replacement.

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

Section ~~9~~10. Section **63M-14-203** is enacted to read:

63M-14-203. Commission meetings.

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

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

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

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

Section ~~{10}~~11. Section **63M-14-204** is enacted to read:

63M-14-204. Commission duties.

The commission shall:

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

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

(3) promote public policies that support marriage;

(4) 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:

(a) events;

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

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

(d) enrichment seminars;

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

(6) 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;

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

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

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

Section ~~{11}~~12. Section **63M-14-205** is enacted to read:

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

(1) 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:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

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

(2) 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.

Section ~~{12}~~13. Section **63M-14-206** is enacted to read:

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

(1) Utah State University shall:

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

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

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

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

(2) Funding for the commission shall be dedicated credits from the ~~{\$10}~~\$20 marriage license fee described in Section 17-16-21 and added funding sought by the commission from private contributions and grants that support the duties of the commission described in Section 63M-14-204.

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

(a) initiatives; and

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

Section ~~{13}~~14. **Repealer.**

This bill repeals:

~~{~~ ~~Section 30-1-34, Completion of counseling or education.~~

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

~~}~~ Section 62A-1-120, Utah Marriage Commission.