

SB0162S01 compared with SB0162

~~text~~ shows text that was in SB0162 but was deleted in SB0162S01.

text shows text that was not in SB0162 but was inserted into SB0162S01.

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Senator Daniel McCay proposes the following substitute bill:

MARRIAGE SOLEMNIZATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to marriage solemnization.

Highlighted Provisions:

This bill:

- ▶ amends the duties of a county clerk as the duties relate to marriage solemnization;
- ▶ amends the list of individuals authorized to solemnize a marriage; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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AMENDS:

17-20-4, as last amended by Laws of Utah 2015, Chapter 46

30-1-6, as last amended by Laws of Utah 2022, Chapter 444

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

Section 1. Section **17-20-4** is amended to read:

17-20-4. Duties of county clerk.

A county clerk shall:

(1) establish policies to:

(a) issue all marriage licenses and keep a register of marriages as provided by law; and

~~[(2)] (b) [establish policies to]~~ ensure that the county clerk, ~~[or a designee of the county clerk who is willing]~~ or an employee of the county clerk's office designated by the county clerk, is available during business hours to solemnize a legal marriage for which a marriage license has been issued;

(2) make publicly available and maintain on the county clerk's website educational information on solemnizing a marriage, including information regarding:

(a) the eligibility requirements to solemnize a marriage, as provided under Section 30-1-6; and

(b) the responsibilities of an individual solemnizing a marriage, as provided under Sections 30-1-6, 30-1-11, 30-1-13, 30-1-14, and 30-1-15;

(3) execute under the clerk's seal and in the name of and for the county, all deeds and conveyances of all real estate conveyed by the county;

(4) take and certify acknowledgments and administer oaths;

(5) keep a fee book as provided by law; and

(6) take charge of and safely keep the seal of the county, and keep other records and perform other duties as may be prescribed by law.

Section 2. Section **30-1-6** is amended to read:

30-1-6. Who may solemnize marriages -- Certificate.

~~[(1) As used in this section:]~~

~~[(a) "Judge or magistrate of the United States" means:]~~

~~[(i) a justice of the United States Supreme Court:]~~

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~~[(ii) a judge of a court of appeals;]~~

~~[(iii) a judge of a district court;]~~

~~[(iv) a judge of any court created by an act of Congress, the judges of which are entitled to hold office during good behavior;]~~

~~[(v) a judge of a bankruptcy court;]~~

~~[(vi) a judge of a tax court; or]~~

~~[(vii) a United States magistrate.]~~

~~[(b) (i) "Native American spiritual advisor" means an individual who:]~~

~~[(A) leads, instructs, or facilitates a Native American religious ceremony or service or provides religious counseling; and]~~

~~[(B) is recognized as a spiritual advisor by a federally recognized Native American tribe.]~~

~~[(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.]~~

~~[(2) The following individuals may solemnize a marriage:]~~

~~[(a) an individual 18 years old or older who is authorized by a religious denomination to solemnize a marriage;]~~

~~[(b) a Native American spiritual advisor;]~~

~~[(c) the governor;]~~

~~[(d) the lieutenant governor;]~~

~~[(e) the state attorney general;]~~

~~[(f) the state treasurer;]~~

~~[(g) the state auditor;]~~

~~[(h) a mayor of a municipality or county executive;]~~

~~[(i) a justice, judge, or commissioner of a court of record;]~~

~~[(j) a judge of a court not of record of the state;]~~

~~[(k) a judge or magistrate of the United States;]~~

~~[(l) the county clerk of any county in the state or the county clerk's designee as authorized by Section 17-20-4;]~~

~~[(m) a senator or representative of the Utah Legislature;]~~

~~[(n) a member of the state's congressional delegation; or]~~

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~~[(c) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court.]~~

~~[(2)1]~~ An individual may solemnize a marriage **in this state** if the individual is:

~~(a) 18 years old or older; and is a resident of this state;~~

~~(b) a Native American spiritual advisor;~~

~~(c) a judge or magistrate of the United States; or~~

~~[(d) b]~~ the county clerk of a county in this state or an employee of the county clerk's office designated by the county clerk.

~~[(3)1(2)]~~ An individual authorized under Subsection ~~[(2)1(1)]~~ who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:

(a) name of the county from which the license is issued; and

(b) date of the license's issuance.

~~[(4)1(3)]~~ Except for an individual described in Subsection ~~[(2)1(1)]~~ ~~[(2)1(1)]~~ ~~[(d) b]~~, an individual described in Subsection ~~[(2)1(1)]~~ has discretion to solemnize a marriage.

~~[(5)1(4)]~~ Except as provided in Section 17-20-4 and Subsection ~~[(2)1(1)]~~ ~~[(2)1(1)]~~ ~~[(d) b]~~, and notwithstanding any other provision in law, ~~no~~ an individual authorized under Subsection ~~[(2)1(1)]~~ to solemnize a marriage may not delegate or deputize another individual to perform the function of solemnizing a marriage.