

**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

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**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.



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.**

