

August 2006

Introduced by

1 A BILL for an Act to create and enact two new sections to chapter 14-03 of the North Dakota
2 Century Code, relating to marriage license fee vouchers and premarital counseling; to amend
3 and reenact section 14-03-22 of the North Dakota Century Code, relating to marriage license
4 fees; and to provide an appropriation.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 14-03-22 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **14-03-22. Marriage license fee - Supplemental fee - Fee for marriage ceremony -**
9 **Duties of officers.**

- 10 1. For the issuance and filing of a marriage license, the recorder, unless the board of
11 county commissioners designates a different official, shall collect a fee of up to
12 thirty dollars from the party applying for the license. For an applicant who presents
13 a voucher issued to the applicant by the department of human services, as
14 provided for in section 2 of this Act, the recorder or designated official shall collect
15 a fee of five dollars from the party applying for the license. The recorder or
16 designated official shall submit the voucher to the department of human services
17 for reimbursement of the amount of the fee that was discounted by the voucher.
- 18 2. In addition to the license fee provided for in subsection 1, the recorder, or
19 designated official, shall collect from the applicant a supplemental fee of thirty-five
20 dollars for aid to victims of domestic violence through the domestic violence
21 prevention fund in accordance with chapter 14-07.1.
- 22 3. For performing a marriage ceremony during regular courthouse hours, the
23 recorder, or designated official, shall collect a fee of thirty dollars which is to be
24 retained by the county. If the marriage ceremony is performed at a time other than

1 during regular courthouse hours, the recorder, or designated official, may collect
2 and retain a fee in an amount to be determined by the recorder, or designated
3 official.

4 4. Except as provided in this section, all collected fees must be deposited monthly
5 with the county treasurer. The county treasurer shall forward the amount
6 represented by supplemental fees to the state treasurer by the fifteenth of each
7 month for crediting to the domestic violence prevention fund.

8 5. The recorder, or designated official, shall prepare a copy of the license and
9 certificate and transmit them to the registrar of vital statistics who shall record them
10 in a book of records kept in the registrar's office for that purpose. The registrar
11 shall index the records and upon request shall issue certified copies of the
12 recorded license and certificate for a one dollar fee. The registrar shall keep an
13 accurate account of these fees and shall turn them over to the state treasurer by
14 the fifteenth of each month for crediting to the general fund.

15 **SECTION 2.** A new section to chapter 14-03 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Marriage license fee vouchers.** The department of human services shall establish a
18 procedure and eligibility requirements for the issuance of a voucher to every qualifying
19 low-income individual who intends to obtain a marriage license at a reduced fee. To obtain a
20 voucher, the individual must submit to the department a signed and dated certificate that
21 indicates the completion by the parties to the marriage of premarital counseling that meets the
22 requirements of section 3 of this Act. The department shall prescribe and furnish the form that
23 is to be completed by the individual who certifies that the parties to the marriage have
24 completed the premarital counseling. An individual who receives a voucher issued by the
25 department may present the voucher to the county recorder or other designated official to
26 obtain a marriage license at the reduced fee provided for in section 14-03-22. Upon submission
27 by the county, the department shall reimburse the county for the amount of the marriage license
28 fee that was discounted by the voucher.

29 **SECTION 3.** A new section to chapter 14-03 of the North Dakota Century Code is
30 created and enacted as follows:

31 **Premarital counseling.**

- 1 1. To obtain a certificate that indicates the completion of premarital counseling as
2 provided in section 2 of this Act, the parties to the marriage must receive premarital
3 counseling. For the purposes of this section, "premarital counseling" means one or
4 more meetings, totaling at least four hours, between two parties who are eligible to
5 enter into a marriage contract and intend to apply for a marriage license, and one
6 or more neutral parties, for purposes of discussing the rights, expectations, needs,
7 obligations, and other commitments incident to the marriage contract, including
8 discussion about children, finances, relationships with new family members and
9 friends, time management, goalsetting, and communication and conflict resolution
10 skills.
- 11 2. Premarital counseling may be provided by any of the following:
- 12 a. A member of the clergy;
- 13 b. Staff of a church, including a church volunteer sponsoring couple, or other
14 religious organization with training in premarital counseling; or
- 15 c. A trained or certified counselor.
- 16 3. The completion of the certificate required under section 2 of this Act by the
17 individual performing the counseling constitutes a certification that the parties to
18 the marriage have been counseled.

19 **SECTION 4. APPROPRIATION.** There is appropriated out of any moneys from special
20 funds derived from the temporary assistance for needy families program the sum of \$35,000, or
21 so much of the sum as may be necessary, to the department of human services for the purpose
22 of establishing and implementing a voucher system for a reduced marriage license fee for
23 low-income individuals who complete premarital counseling, for the biennium beginning July 1,
24 2007, and ending June 30, 2009.

NOTE: The amount of the appropriation was determined by multiplying the 10-year average number of marriages in North Dakota (4,458) times the percentage of North Dakota residents who are below 200 percent of the federal poverty level (31.5 percent based upon the 2000 census) times \$25. That amount was then divided by 50 percent based upon the assumption that about half of the eligible couples would take advantage of the discount.