

60th Legislative Assembly of North Dakota
SENATE BILL 2041

Introduced by
Legislative Council
(Judiciary Committee)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-03-22 is amended:

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

1. a. For the issuance and filing of a marriage license, the recorder, unless the board of county commissioners designates a different official, shall collect a fee of up to thirty dollars from the party applying for the license.

b. For an applicant who presents a voucher issued to the applicant by the department of human services, as provided for in section 2 of this Act, the recorder or designated official shall collect, in lieu of the fee provided for in subdivision a, a fee of five dollars from the party applying for the license. The recorder or designated official shall submit the voucher to the department of human services for reimbursement of the amount of the fee that was discounted by the voucher.

2. In addition to the license fee provided for in subsection 1, the recorder, or designated official, shall collect from the applicant a supplemental fee of thirty-five dollars for aid to victims of domestic violence through the domestic violence prevention fund in accordance with chapter 14-07.1.

3. For performing a marriage ceremony during regular courthouse hours, the recorder, or designated official, shall collect a fee of thirty dollars which is to be retained by the county. If the marriage ceremony is performed at a time other than during regular courthouse hours, the recorder, or designated official, may collect and retain a fee in an amount to be determined by the recorder, or designated official.

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

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

SECTION 2. A new section to chapter 14-03 is created:

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

SECTION 3. A new section to chapter 14-03 is created:

Premarital counseling.

1. To obtain a certificate that indicates the completion of premarital counseling as provided in section 2 of this Act, the parties to the marriage must receive premarital counseling. For the purposes of this section, "premarital counseling" means one or more meetings, totaling at least four hours, between two parties who are eligible to enter into a marriage contract and intend to apply for a marriage license, and one or more neutral parties, for purposes of discussing the rights, expectations, needs, obligations, and other commitments incident to the marriage contract, including discussion about children, finances, relationships with new family members and friends, time management, goalsetting, and communication and conflict resolution skills.

2. Premarital counseling may be provided by any of the following:

a. A member of the clergy;

b. Staff of a church, including a church volunteer sponsoring couple, or other religious organization with training in premarital counseling; or

c. A trained or certified counselor.

3. The completion of the certificate required under section 2 of this Act by the individual performing the counseling constitutes a certification that the parties to the marriage have been counseled.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys from special funds derived from the temporary assistance for needy families program the sum of \$110,000, or so much of the sum as may be necessary, to the department of human services for the purpose of establishing and implementing a voucher system for a reduced marriage license fee for individuals who complete premarital counseling, for the biennium beginning July 1, 2007, and ending June 30, 2009.