

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1367

Short Title: Waive Marr. Lic. Fee/Pre. Counseling/Funds. (Public)

Sponsors: Representatives Hilton; Almond, Capps, Clary, Cleveland, Folwell, Frye, Gillespie, Hollo, Holloway, Johnson, Justice, Justus, Lewis, Setzer, Vinson, and Walker.

Referred to: Judiciary IV, if favorable, Appropriations.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO WAIVE THE FEE FOR A MARRIAGE LICENSE FOR INDIVIDUALS WHO RECEIVE PREMARITAL COUNSELING AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 51-8 reads as rewritten:

"§ 51-8. License issued by register of deeds.

(a) Every register of deeds shall, upon proper application, issue a license for the marriage of any two persons who are able to answer the questions regarding age, marital status, and intention to marry, and, based on the answers, the register of deeds determines the persons are authorized to be married in accordance with the laws of this State. In making a determination as to whether or not the parties are authorized to be married under the laws of this State, the register of deeds may require the applicants for the license to marry to present certified copies of birth certificates or such other evidence as the register of deeds deems necessary to the determination. The register of deeds may administer an oath to any person presenting evidence relating to whether or not parties applying for a marriage license are eligible to be married pursuant to the laws of this State. Each applicant for a marriage license shall provide on the application the applicant's social security number. If an applicant does not have a social security number and is ineligible to obtain one, the applicant shall present a statement to that effect, sworn to or affirmed before an officer authorized to administer oaths. Upon presentation of a sworn or affirmed statement, the register of deeds shall issue the license, provided all other requirements are met, and retain the statement with the register's copy of the license. The register of deeds shall not issue a marriage license unless all of the requirements of this section have been met.

(b) As an incentive and in an effort to strengthen the marital relationship, marriage license applicants who have received premarital counseling shall be entitled to

1 a waiver of the marriage license fee established in G.S. 161-10(a)(2). To receive the
2 waiver, applicants shall submit documentation to the register of deeds that they have
3 received premarital counseling at least 15 days before applying for a marriage license.
4 Applicants may submit documentation of premarital counseling from a priest, minister,
5 rabbi, other clergy of a recognized religious denomination, a licensed marriage and
6 family therapist, or a qualified mental health provider. Premarital counseling shall
7 include discussions of any issues relevant to sustaining a marriage as well as the
8 following topics:

9 (1) A discussion about the seriousness of marriage.

10 (2) Communication of the fact that marriage is intended to be a lifelong
11 commitment.

12 (3) A discussion about the various factors that lead to marital difficulties.

13 (4) A discussion regarding the need to seek marital counseling in times of
14 marital difficulty.

15 (c) The register of deeds shall submit to the Office of State Budget and
16 Management documentation of the total amount of the waivers granted. On a monthly
17 basis, the Office of State Budget and Management shall forward to the county register
18 of deeds, the State Treasurer, and the Department of Administration the respective
19 amounts that would have gone to the county general fund pursuant to G.S. 161-10(a),
20 the Children's Trust Fund pursuant to G.S. 161-11.1, and the Domestic Violence Center
21 Fund pursuant to G.S. 161-11.2, had the fee specified in G.S. 161-10(a)(2) not been
22 waived. Any cost in excess of the funding appropriated for this purpose shall be
23 allocated from and paid out of the Contingency and Emergency Fund."

24 **SECTION 2.** G.S. 161-10(a)(2) reads as rewritten:

25 "(2) Marriage Licenses. – For issuing a license fifty dollars
26 ~~(\$50.00);~~(\$50.00), except that the fee shall be waived for issuing a
27 license to applicants who have received and submitted documentation
28 of premarital counseling pursuant to G.S. 51-8; for issuing a delayed
29 certificate with one certified copy twenty dollars (\$20.00); and for a
30 proceeding for correction of an application, license or certificate, with
31 one certified copy ten dollars (\$10.00)."

32 **SECTION 3.(a)** There is appropriated from the General Fund to the Office
33 of State Budget and Management the sum of one hundred fifty thousand dollars
34 (\$150,000) for the 2005-2006 fiscal year and one hundred fifty thousand dollars
35 (\$150,000) for the 2006-2007 fiscal year for the purpose of reimbursing a local register
36 of deeds for waivers granted on marriage license fees to marriage license applicants
37 submitting documentation of premarital counseling to the register of deeds in
38 accordance with G.S. 51-8.

39 **SECTION 3.(b)** The Office of State Budget and Management shall track
40 and report on the number of waivers granted pursuant to G.S. 51-8 and shall submit the
41 report on a quarterly basis to the Fiscal Research Division.

42 **SECTION 4.** This act becomes effective July 1, 2005.