

Bill as Introduced

SENATE BILL **502-FN**

AN ACT allowing federal judges to perform marriages after obtaining a special license.

SPONSORS: Sen. Larsen, Dist 15; Sen. Pignatelli, Dist 13; Sen. Gordon, Dist 2; Sen. D. Wheeler, Dist 11; Sen. Squires, Dist 12; Rep. Kurk, Hills 5; Rep. Mercer, Hills 27; Rep. Richardson, Ches 12; Rep. Peterson, Hills 8; Rep. Keans, Straf 16

COMMITTEE: Executive Departments and Administration

ANALYSIS

This act allows federal judges appointed pursuant to Article III of the United States Constitution, and federal magistrate judges appointed pursuant to federal law, to perform marriage ceremonies after obtaining a special license.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Eight

AN ACT allowing federal judges to perform marriages after obtaining a special license.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Solemnization of Marriages; Federal Judges and Magistrates Added. Amend RSA 457:31 to
2 read as follows:

3 457:31 Who May Solemnize. Marriage may be solemnized by a justice of the peace as
4 commissioned in the state; by any minister of the gospel in the state who has been ordained
5 according to the usage of his *or her* denomination, resides in the state, and is in regular standing
6 with the denomination; by any clergyman who is not ordained but is engaged in the service of the
7 religious body to which he *or she* belongs, resides in the state, after being licensed therefor by the
8 secretary of state; and within his *or her* parish, by any minister residing out of the state, but having
9 a pastoral charge wholly or partly in this state; ***by judges of the United States, residing in this***
10 ***state appointed pursuant to Article III of the United States Constitution, or by United***
11 ***States magistrate judges residing in this state and appointed pursuant to federal law.***

12 2 New Section; License and Fee; Judges of the United States. Amend RSA 457 by inserting
13 after section 32 the following new section:

14 457:32-a Judges of the United States. The secretary of state may issue a special license to a
15 judge of the United States residing in this state who is appointed pursuant to Article III of the
16 United States Constitution, or to a United States magistrate judge residing in this state and
17 appointed pursuant to federal law, to marry a couple within the state. There shall be a \$25 fee for
18 each such license and a new license shall be required for each marriage performed. A copy of the
19 marriage license of the couple proposed to be married shall be filed with the secretary of state who
20 shall maintain a permanent record of all such marriage licenses and the name and residence of the
21 judge or magistrate performing the ceremony.

22 3 Effective Date. This act shall take effect 60 days after its passage.

LBAO
98-2932
2/12/98

SB 502-FN - FISCAL NOTE

AN ACT allowing federal judges to perform marriages after obtaining a special license.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 1998 through 2002.

Amendments



Rep. Peterson, Hills. 8
April 22, 1998
1998-1478h
04/01

Amendment to SB 502-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Solemnization of Marriages; Federal Judges and Magistrates Added. Amend RSA 457:31 to
4 read as follows:

5 457:31 Who May Solemnize. Marriage may be solemnized by a justice of the peace as
6 commissioned in the state; by any minister of the gospel in the state who has been ordained
7 according to the usage of his *or her* denomination, resides in the state, and is in regular standing
8 with the denomination; by any clergyman who is not ordained but is engaged in the service of the
9 religious body to which he *or she* belongs, resides in the state, after being licensed therefor by the
10 secretary of state; and within his *or her* parish, by any minister residing out of the state, but
11 having a pastoral charge wholly or partly in this state; *by judges of the United States, residing*
12 *in this state appointed pursuant to Article III of the United States Constitution, or by*
13 *United States magistrate judges residing in this state and appointed pursuant to federal*
14 *law.*

15 2 New Section; License and Fee; Judges of the United States. Amend RSA 457 by inserting
16 after section 32 the following new section:

17 457:32-a Judges of the United States. The secretary of state may issue a special lifetime license
18 to a judge of the United States residing in this state who is appointed pursuant to Article III of the
19 United States Constitution, or to a United States magistrate judge residing in this state and
20 appointed pursuant to federal law, to marry a couple within the state. There shall be a one time fee
21 of \$25 for such license and the secretary of state shall maintain a record of all special lifetime
22 licenses issued. A copy of the marriage license of the couple proposed to be married shall be filed
23 with the secretary of state who shall maintain a permanent record of all such marriage licenses and
24 the name and residence of the judge or magistrate performing the ceremony.

25 3 Effective Date. This act shall take effect 60 days after its passage.

Rep. Peterson, Hills 8
April 22, 1998
1998-1479h
04/01



Amendment to SB 502-FN

1 Amend RSA 457:31 as inserted by section 1 of the bill by replacing it with the following:

2

3 457:31 Who May Solemnize. Marriage may be solemnized by a justice of the peace as
4 commissioned in the state; by any minister of the gospel in the state who has been ordained
5 according to the usage of his *or her* denomination, resides in the state, and is in regular standing
6 with the denomination; by any clergyman who is not ordained but is engaged in the service of the
7 religious body to which he *or she* belongs, resides in the state, after being licensed therefor by the
8 secretary of state; and within his *or her* parish, by any minister residing out of the state, but
9 having a pastoral charge wholly or partly in this state; *by judges of the United States appointed*
10 *pursuant to Article III of the United States Constitution, or by United States magistrate*
11 *judges appointed pursuant to federal law.*

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11 having a pastoral charge wholly or partly in this state; *by judges of the United States appointed*
12 *pursuant to Article III of the United States Constitution, or by United States magistrate*
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20 of \$25 for such license and the secretary of state shall maintain a record of all special lifetime
21 licenses issued. A copy of the marriage license of the couple proposed to be married shall be filed
22 with the secretary of state who shall maintain a permanent record of all such marriage licenses and
23 the name and residence of the judge or magistrate performing the ceremony.

24 3 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY AND FAMILY LAW

PUBLIC HEARING ON SB 502-FN

FILE COPY

BILL TITLE: allowing federal judges to perform marriages after obtaining a special license.

DATE: April 14, 1998

LOB ROOM: 208 **Time Public Hearing Called to Order:** 11:52

Time Adjourned: 12:07

(please circle if present)

Committee Members: Repr. ~~J. McCarthy, Bickford~~, J. Brown, Clay, T. Colburn, ~~Jacobsen, Keans~~,
Letendre, Mirski, ~~K. Smith, Pfaff, Peterson, Bergin, Tate~~, Wall, DePecol, ~~Allison~~, L. Johnson,
~~Moynihan~~, I. Pratt, ~~Richardson~~ and ~~M. Smith~~.

Bill Sponsors: Sens. Larsen, Pignatelli, Gordon, D. Wheeler, Squires, Kruck, Mercer, Richardson, Peterson, Keans

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Larsen, sponsor, supporting

- federal judges lack the ability to perform marriages
- SB 502 creases a license and fee for U. S. judges
- justice of the peace license \$50 for 5-1/2 term
- Sen. Larsen offers to work with Judiciary and Family Law Committee
- make the fee \$25 - a one time fee

Rep. Keans

- preferred the original bill
- Sen. Podles had problem with the original and amended SB 502

Respectfully submitted,

Rep. Sandra B. Keans, Clerk

HOUSE COMMITTEE ON JUDICIARY AND FAMILY LAW

PUBLIC HEARING ON SB 502-FN

BILL TITLE: allowing federal judges to perform marriages after obtaining a special license.

DATE: April 14, 1998

LOB ROOM: 208

Time Public Hearing Called to Order: 11:52 AM

Time Adjourned: 12:07 PM

(please circle if present)

Committee Members: Reps. J. McCarthy, Bickford, J. Brown, Clay, T. Colburn, Jacobson, Keans, Letendre, Mirski, K. Smith, Pfaff, Peterson, Bergin, Tate, Wall, DePecol, Allison, L. Johnson, Moynihan, I. Pratt, Richardson and M. Smith

Bill Sponsors: Sens. Larsen, Pignatelli, Gordon, Wheeler, Squires, Reps. Kurk, Mercer, Richardson, Peterson, Keans

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

SB 502

4/14/90

Sen. Zarsen: Federal Judges lack the ability
to perform Marriage: SB 502 creates a license and
fee for U.S. Judges -

Justice of Peace license \$50 for 5 yr. Term -

Sen. Zarsen offers to work with J.F.C. Com.
Make the \$25 fee a one time fee -

Rep. Keans - preferred the original bill

Sen. Pooler - had problems with the original
and amended SB 502

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY AND FAMILY LAW

EXECUTIVE SESSION on SB 502-FN

BILL TITLE: allowing federal judges to perform marriages after obtaining a special license.

DATE: 4/22/98

LOB ROOM:

Amendments:

Sponsor: Rep. PETERSON } OLS Document #: 1998-1478h 9-6
Sponsor: Rep. PETERSON } OLS Document #: 1998-1479h 13-2
Sponsor: Rep. COMMITTEE } OLS Document #: 1998-1491h

Motions: ~~ITL~~ OTP OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. BERGIN
Seconded by Rep. PETERSON
Vote: 11-4 (Please attach record of roll call vote.)

1491 COMBINES
1478 + 1479 INTO
1 AMEND.

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Sandra B. Keans, Clerk

Bill # _____

Public Hearings _____

Executive Session _____

COMMITTEE REPORT: _____

OTPA

	YEAS	NAYS
McCarthy, John J., Jr., Chairman	X	
Bickford, David A.		X
Brown, Julie M.		
Clay, Susan J.		
Colburn, Thomas M.		
Jacobson, Alf E.		X
Keans, Sandra B., Clerk	X	
Letendre, Evelyn S.		
Bergin, Peter F.	X	
Mirski, Paul M.		
Smith, Kevin H.		
Pfaff, Terence R., V Chairman		X
Peterson, Andrew R.	X	
Tate, Joan C.	X	
Wall, Janet G.	X	
DePecol, Benjamin J.	X	
Allison, David C.	X	
Johnson, Lionel W.		X
Moynihan, Wayne T.	X	
Pratt, Irene A.		
Richardson, Barbara Hull	X	
Smith, Marjorie K.	X	

TOTAL VOTE

11-4

Appeared in Favor

Appeared in Opposition

Committee Report

COMMITTEE REPORT

COMMITTEE: Judiciary and Family Law

BILL NUMBER: SB 502-FN

TITLE: allowing federal judges to perform marriages after obtaining a special license.

DATE: April 22, 1998

CONSENT CALENDAR YES NO

FILE COPY

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RE-REFER
- REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT (Include Committee Vote)

Currently, a federal judge or federal magistrate cannot perform a marriage in the state of New Hampshire. This bill would extend a courtesy to any federal judge or magistrate to perform a marriage in the state of New Hampshire after obtaining a special license and paying a nominal fee.

Vote 11-4.

Rep. Peter F. Bergin
FOR THE COMMITTEE

mc/ok/Chair

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Judiciary and Family Law

SB 502-FN, allowing federal judges to perform marriages after obtaining a special license. OUGHT TO PASS WITH AMENDMENT

Rep. Peter F. Bergin for **Judiciary and Family Law**: Currently, a federal judge or federal magistrate cannot perform a marriage in the state of New Hampshire. This bill would extend a courtesy to any federal judge or magistrate to perform a marriage in the state of New Hampshire after obtaining a special license and paying a nominal fee. Vote 11-4.

COMMITTEE REPORT

COMMITTEE: Judiciary and Family Law

BILL NUMBER: SB 502-FN

TITLE: allowing federal judges to perform marriages after obtaining a special license.

DATE: 4/22/98 CONSENT CALENDAR YES NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RE-REFER
- REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT (Include Committee Vote)

Vote

11-4

Rep.
FOR THE COMMITTEE

J. Chair

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

SB-502 - allowing federal judges and federal magistrates to perform marriages after obtaining a special license. Ought to pass with a amendment. Rep. Peter F. Benson Judiciary and Family Law. Currently, a federal judge or federal magistrate can not perform a marriage in the State of New Hampshire. This bill would extend a Courtesy to any federal judge or magistrate to perform a marriage in the State of New Hampshire after obtaining a special license and paying a normal fee. Vote 11-4