

Bill as Introduced

SB 394 - AS INTRODUCED

2014 SESSION

14-2777
05/10

SENATE BILL

394

AN ACT

relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

SPONSORS:

Sen. Lasky, Dist 13; Sen. Woodburn, Dist 1; Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17; Rep. Weber, Ches 1; Rep. Hackel, Hills 29; Rep. M. Smith, Straf 6

COMMITTEE:

Judiciary

ANALYSIS

This bill clarifies statutes governing recognition of civil unions and marriages entered into by same-sex couples. The bill also provides that gender-specific terms related to marital or familial relationships shall be construed to be gender-neutral for all purposes.

.....

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Two Thousand Fourteen

AN ACT relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

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

1 1 Recognition of Out-of-State Marriages. Amend RSA 457:3 to read as follows:

2 457:3 Recognition of Out-of-State Marriages. Every marriage legally contracted outside the
3 state of New Hampshire, which would not be prohibited under RSA 457:2 if contracted in
4 New Hampshire, shall be recognized as valid in this state for all purposes if or once the contracting
5 parties are or become permanent residents of this state subsequent to such marriage, and the issue
6 of any such marriage shall be legitimate. Marriages legally contracted outside the state of
7 New Hampshire which would be prohibited under RSA 457:2 if contracted in New Hampshire shall
8 not be legally recognized in this state. Any marriage of New Hampshire residents recognized as
9 valid in the state prior to the effective date of this section shall continue to be recognized as valid on
10 or after the effective date of this section. *Notwithstanding anything in this statute or the*
11 *provisions of RSA 457:43 to the contrary, any marriage of a same-sex couple lawfully*
12 *contracted outside New Hampshire shall be recognized in New Hampshire as of the date of*
13 *its solemnization.*

14 2 Uniform Marriage Recognition Law. RSA 457:44 is repealed and reenacted to read as follows:

15 457:44 Nonresidents; Recognition of Same-Sex Marriage. Any marriage of a same-sex couple
16 contracted in this state on or after January 1, 2010 by a party residing or intending to reside in
17 another jurisdiction is valid and legitimate as of the date of its solemnization.

18 3 Civil Union Recognition; Obtaining Legal Status of Marriage. Amend RSA 457:45 to read as
19 follows:

20 457:45 Civil Union Recognition. A civil union legally contracted outside of New Hampshire, or
21 any legal union other than a marriage that provides substantially the same rights, benefits and
22 responsibilities as a marriage that is legally contracted outside of New Hampshire, shall be
23 recognized as a marriage in this state, *and any person in such legal union contracted outside*
24 *of New Hampshire may also marry the same party in New Hampshire without the*
25 *dissolution of such legal union*, provided that the relationship does not violate the prohibitions of
26 this chapter.

27 4 Number; Gender. Amend RSA 21:3 to read as follows:

28 21:3 Number; Gender. Words importing the singular number may extend and be applied to
29 several persons or things; words importing the plural number may include the singular; and words
30 importing the masculine gender may extend and be applied to females. *Gender-specific terms*

1 *relating to the marital relationship or familial relationships, including without*
2 *limitation, "spouse," "family," "marriage," "immediate family," "dependent," "next of kin,"*
3 *"man," "woman," "groom," "bride," "husband," "wife," "widow," or "widower," shall be*
4 *construed to be gender-neutral for all purposes throughout New Hampshire law, whether*
5 *in statute, state administrative or court rule, policy, common law, or any other source of*
6 *civil state law.*

7 5 Effective Date. This act shall take effect upon its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY
PUBLIC HEARING ON SENATE BILL 394

BILL TITLE: relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

DATE: April 8, 2014

LOB ROOM: 208 **Time Public Hearing Called to Order:** 10:00 am

Time Adjourned: 10:30 am

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Lakesian, Kappler and Hagan.

Bill Sponsors: Sen. Lasky, Dist 13; Sen. Woodburn, Dist 1; Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17; Rep. Weber, Ches 1; Rep. Hackel, Hills 29; Rep. M. Smith, Straf 6

TESTIMONY

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

✦ **Senator Lasky, prime sponsor**

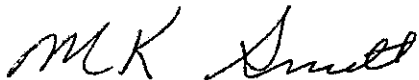
Introduced the bill to the committee
Intended to correct unintentional consequences.

Four Sections of the bill:

- 1. Out of state marriages to be honored even if marriage took place before 2010.
- 2. Repeals New Hampshire reverse evasion law prohibiting couples from coming to New Hampshire to marry if their state did not permit such marriages. Retroactive to date of solemnization.
- 3. Even though couples may have entered into civil union in another state that civil union does not have to be dissolved in order to be marries in New Hampshire.
- 4. All domestic relations statutes should apply to all couples regardless of gender of couples.

Rep. Rowe: Raised questions about the possible excessive broadness of the language.

Respectfully submitted



Rep. Marjorie K. Smith, Acting Clerk



HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SENATE BILL 394

BILL TITLE: relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

DATE:

LOB ROOM: 208

Time Public Hearing Called to Order: 10 AM

Time Adjourned: 10:30

(please circle if present)

Committee Members: Reps. (Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heiron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, Kapler, and Hagan.

Bill Sponsors: Sen. Lasky, Dist 13; Sen. Woodburn, Dist 1; Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17; Rep. Weber, Ches 1; Rep. Hackel, Hills 29; Rep. M. Smith, Straf 6

TESTIMONY

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

* Sen. Lasky introduced the bill, intended to correct unintentional consequences of bill. Four sections of bill.

- 1) Out of state marriages to be honored even if marriage took place before 2010.
- 2) Repeals NH reverse evasion law (prohibiting couples from coming to NH to marry if their state did not permit such marriage) (Retroactive to date of solemnization)
- 3) Even though couples may have entered into civil union in another state, that civil union does not have to be dissolved in order to be married in NH
- 4) All domestic relations statutes should apply to all couples regardless of gender of couple

Rep. Rowe raised questions about the possibly excessive broadness of the language

Testimony

Senator Bette Lasky
Senate Judiciary Remarks
Senate Bill 394
February 18, 2014

Thank you, Madam Chair, and honorable members of the Judiciary Committee. For the record, I am Senator Bette Lasky and I have the great honor to represent District 13 which comprises Wards 3, 4, 6, 7, 8, and 9 in the city of Nashua.

I am introducing this Senate Bill 394 today, because it completes the promise of full equality for same-sex married couples that NH made in 2009 when it enacted its marriage equality law.

In the four years since the first same-sex couples married in New Hampshire, we have seen the happiness and joy that has come with those marriages. At the same time we have noticed, that there have also been unintended gaps in the law. This legislation fills those gaps so that all New Hampshire families are treated equally.

There four sections of the bill that fix different gaps in the laws, I am going to take the next few minutes to explain what these gaps are and why these fixes are needed..

Section 1 - provides that any New Hampshire couple who had married in another state (such as Massachusetts) will have their marriages recognized from the date of solemnization. This clarification is necessary because prior to 2010, New Hampshire law prohibited recognition of marriages of same-sex couples who were married out of state. While the legislature has since repealed that law, it failed to state explicitly that such repeal should apply to couples who had married before 2010.

For example, Section 1 is necessary because, at least one NH family court judge has ruled in a divorce case of a NH same-sex couple that it would only recognize the validity of their marriage beginning from 2010, despite the fact that the couple actually married in 2004 in Massachusetts and entered into a civil union in Vermont in 2002. The judge based her ruling on the fact that prior to 2010, New Hampshire had a statute prohibiting the recognition of out-of-state marriages by same-sex couples. That statute has since been repealed, but the judge refused to apply that repeal retroactively. As a result, the court effectively erased the first 8 years of their marriage. Especially in a divorce case, the length of a marriage profoundly impacts determinations of property division, alimony, and child custody. In this case, because the couple's child was born before 2010, the court held that the child was not a child of the marriage, and therefore the non-birth mother was not a legal parent under New Hampshire's marital presumption statute. As a result, that mother has been effectively cut off from ever seeing her 9-year-old son again.

Section 2 repeals New Hampshire's reverse evasion law [RSA 457:44], which has hurt many out-of-state same-sex couples who have come to New Hampshire to marry. New Hampshire's reverse evasion law prohibits an out-of-state couple from coming to New Hampshire to marry if they would not be able to marry in their home state. In general, reverse evasion laws were developed to prohibit interracial couples who lived in states that prohibited them from marrying from going to another state to marry. Very few states actually adopted such reverse evasion laws, given their roots in racism and white supremacy. Today, even though no state prohibits marriages of interracial couples, almost 30 states prohibit marriages of same-sex couples. This section would repeal New Hampshire's reverse evasion law, so that any out-of-state couple can come to

New Hampshire to marry, provided they meet New Hampshire's eligibility requirements. It also clarifies that those out-of-state, same-sex couples who have already married in New Hampshire will not have to worry that their marriages are void.

Even though New Hampshire's reverse evasion law is not being enforced and is arguably unconstitutional and therefore unenforceable, section 2 is necessary. It should still be taken off the books. Same-sex couples from other states should be welcomed to marry in New Hampshire. In addition, for those couples who have already come to New Hampshire to marry, they should not have to worry about whether their marriage may be declared void. For example, we know of one couple from Ohio, which has a constitutional amendment prohibiting same-sex couples from marrying, who came to New Hampshire to marry, not realizing that New Hampshire had a reverse evasion statute. They are now worried that their marriage may not be valid. That cloud over their marriage threatens their ability to protect and support each other legally. In fact, they are not even sure if they can or should file their federal taxes as a married couple. No couple should have to worry about whether their marriage is valid or not.

Section 3 makes clear that even though a couple may have entered into a civil union from another state, they can also get married in New Hampshire without having to first dissolve their civil union.

This section is necessary, because when the legislature passed its marriage equality law, it wanted to ensure that NH couples with out-of-state civil unions would be treated the same as married couples. In order to achieve that equality, it amended RSA 457:45 to provide that any out-of-state civil union shall be recognized as a marriage in New Hampshire. What the legislature had not

realized is that New Hampshire also prohibits married couples from remarrying each other (i.e. renewing their marriage) except under limited circumstances. See RSA C-5:50, 51. The Attorney General has since ruled in an advisory letter to the Secretary of State that these statutes, taken together, meant that a couple in an out-of-state civil union could not marry each other in New Hampshire, because they were already “married” under New Hampshire law and therefore could not get remarried. As a result, if the couple wanted to get married in New Hampshire, they first would have to dissolve their civil union.

This misinterpretation of the law undermines the intent of the statute – i.e. to provide equal protections to same-sex couples and their families. Instead, those families cannot enjoy the full security that only marriage provides unless they first dissolve their civil union – a process that not only costs time and money, but could also have harmful, unintended consequences for other marriage-related protections, such as health insurance.

Section 4 clarifies that all domestic relations-related statutes should apply equally to families, regardless of the gender of the two parties.

Lastly, section 4 is necessary, because while the legislature, in passing its marriage equality law, intended that all families be treated the same, regardless of the gender of the two spouses or parents, litigants in family court have since tried to take advantage of archaic, gendered language in family law statutes to argue that those laws, such as NH’s marital presumption law which refers to husbands, should not apply equally to families headed by same-sex parents. As a result, those families, and especially the children of those families, have been denied critical protections under New Hampshire’s family and divorce laws. This

section clarifies that all families stand on equal footing regardless of the gender of the two parties/spouses/parents involved.

Madam Chair, New Hampshire is proud of its role as a leader in promoting marriage equality. These were unintended gaps in the law and now is the time to correct them, so we can give our same sex couples true and lasting equality.

Thank you!

Why We Must Repeal New Hampshire's Reverse Evasion Law

What is a reverse evasion law?

NH RSA 457:44, enacted in 1979, prohibits a non-resident couple from marrying in New Hampshire if their marriage would be "void" or "prohibited" in their home state. It states in whole: "No marriage shall be contracted in this state by a party residing and intending to continue to reside in another jurisdiction if such marriage would be void if contracted in such other jurisdiction, and every marriage contracted in this state in violation hereof shall be null and void."

While we believe that this statute is unconstitutional and therefore unenforceable, its continued existence threatens the validity of many marriages of out-of-state couples who come to New Hampshire to get married. We should remove this cloud over those marriages by repealing NH RSA 457:44.

Why is this law believed to have discriminatory origins?

This law was adopted also verbatim from a uniform act called the Uniform Marriage Evasion Act. This uniform act was adopted in 1912 in order to respect other states' prohibitions on marriage – specifically their anti-miscegenation laws. At the time the Uniform Marriage Evasion Act was adopted, thirty out of forty-eight states forbade or made void interracial marriage. The committee that drafted the uniform act acknowledged that it would give effect to other states' laws barring marriage between "a white person and a colored person." Historians have theorized that the uniform act was part of a wave of anti-miscegenation laws that swept the Nation beginning in 1912, following the high-profile marriage of Jack Johnson, the first black heavyweight prizefighter, to a white woman.

Do many other states bar non-resident marriages under laws similar to New Hampshire's reverse evasion law?

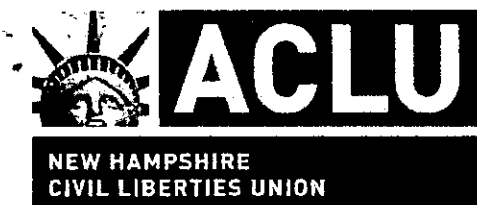
No. Reverse evasion statutes proved not only discriminatory, but worthless and unnecessary decades ago. Only about half a dozen states ever adopted a law like this, and those states have either repealed those laws or allowed them to fall into disuse long ago.

Is the reverse evasion law necessary to protect the marriage laws of other states?

No. With or without this law, every state is free to regulate marriage within its own borders, both in setting marriage eligibility and in determining whether to recognize marriages legally celebrated in other states.

States have managed to deal with different states' marriage rules for over 200 years. No state has ever had a residency requirement for marriage. As a result, people have often traveled to other states to marry, for instance to the state where they grew up. When they return home, it is always up to each state to determine what legal effect it will give to an out-of-state marriage.

Particularly now that same-sex couples in 16 states and the District of Columbia can marry, New Hampshire has become an outlier in creating potential legal impediments to out-of-state same-sex couples' ability to come to New Hampshire to marry. New Hampshire does not need to abort its own principles of providing equal marriage rights by deferring to the discriminatory marriages restrictions of other states.



NEW HAMPSHIRE CIVIL LIBERTIES UNION

18 Low Avenue
Concord, New Hampshire 03301
603-225-3080
www.NHCLU.org

DEVON CHAFFEE
EXECUTIVE DIRECTOR

To: House Judiciary Committee
From: Devon Chaffee, Executive Director, New Hampshire Civil Liberties Union
Date: April 8, 2014
Re: In Support of SB 394

Dear Madame Chair and other members of the Committee:

I submit this testimony on behalf of the New Hampshire Civil Liberties Union (NHCLU)— a non-partisan, nonprofit organization working to protect civil liberties throughout New Hampshire for over forty years. SB 394 is a common sense piece of legislation that fills gaps unintentionally left in New Hampshire law after the state acted to ensure marriage equality in 2009.

- **SB 394 is necessary to ensure that all New Hampshire families enjoy equal legal protections.**
The bill simply ensures that families of same sex couples will benefit from the same legal protections as different sex couples, as the New Hampshire legislature intended when it enacted its marriage equality law over four years ago. SB 394 cleans up our state's marriage laws by guaranteeing that New Hampshire courts will recognize all marriages from the date of solemnization, regardless of when or where that marriage took place. It also ensures that same sex couples will be able to marry in New Hampshire and benefit from the full protections of marriage without having to jump through the additional hoop of dissolving their previous civil union.
- **SB 394 would eliminate outdated, unenforced, and likely unconstitutional NH law.**
The bill also repeals RSA 457:44, an antiquated law that prohibits marriage of non-resident couples in New Hampshire if their marriage would be prohibited in their home state. Based on laws long abandoned in other states, this law now puts in jeopardy the marriages of out-of-state same-sex couples who marry in New Hampshire while residing in one of the approximately 30 states that prohibit same-sex marriage. While RSA 457:44 is—rightly—not currently being enforced, the legislature should take the necessary housekeeping step of removing it from New Hampshire RSAs and reassuring out-of-state, same-sex couples who have already married in New Hampshire that their marriages are valid.
- **SB 394 ensures that domestic relations-related laws apply equally to all families, regardless of gender.**
The bill clarifies that all New Hampshire domestic relations laws should apply equally to all families in our state. Archaic, gendered language in current family and divorce law threatens critical protections for many families because judges refuse to apply these laws equally to same-sex couples. For example, litigants have argued that New Hampshire's martial presumption law, which refers to husbands, do not apply equally to families headed by same sex parents. The NHCLU joined an amicus brief to the New Hampshire Supreme Court challenging this gender-biased interpretation of the law, and the General Court now has an opportunity to resolve this issue by passed SB 394.

For the above reasons, I respectfully urge the Committee to act to protect all New Hampshire families by recommending that the New Hampshire House *ought to pass* SB 394. Please feel free to contact me with any questions.

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on SENATE BILL 394

BILL TITLE: relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

DATE: April 22, 2014

LOB ROOM: 208

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

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

Moved by Rep. Sullivan

Seconded by Rep. Woodbury

Vote: 11-8 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.


Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Sylvia E. Gale, Clerk



HOUSE COMMITTEE ON JUDICIARY
EXECUTIVE SESSION on SENATE BILL 394

BILL TITLE: relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

DATE: 4/22/14

LOB ROOM: 208

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

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

Moved by Rep. Sullivan

Seconded by Rep. Woodbury

Vote: (Please attach record of roll call vote.) 11-8

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

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/30/2014 12:30:23 PM
Roll Call Committee Registers
Report

2014 SESSION

JUDICIARY

Bill #: SB 394 Title: relative to the recognition of out-of-state marriages.....
PH Date: 1/21/14 Exec Session Date: 4/22/14
Motion: OT-P Amendment #: _____

MEMBER	YEAS	NAYS
Smith, Marjorie K, Chairman	11	
Wall, Janet G, V Chairman	1	
Hackel, Paul L	2	
Watrous, Rick H	3	
Sullivan, Peter M	4	
Horrigan, Timothy O	5	
Berch, Paul S	6	
Gale, Sylvia E, Clerk	7	
Heffron, Frank H	8	
Phillips, Larry R	9	
Woodbury, David	10	
Rowe, Robert H,		1
Hagan, Joseph M		2
Peterson, Lenette M,		3
Hopper, Gary S - <u>Palmer, Stephen</u>		4
Kappler, Lawrence M		5
Luther, Robert A		6
Sylvia, Michael J		
Takesian, Charlene F		7
TOTAL VOTE: <u>1 for Hor, Jeanine</u>		8
	11	8

Committee Report

REGULAR CALENDAR

April 23, 2014

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on JUDICIARY to which was referred
SB 394,**

**AN ACT relative to the recognition of out of state
marriages, uniform marriage recognition law, civil
union recognition, and gender neutral references.**

**Having considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Peter M. Sullivan

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	SB 394
Title:	relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.
Date:	April 23, 2014
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill clarifies several aspects of New Hampshire law that were affected by the growing acceptance of same-sex marriage across the country. First, the bill makes it clear that New Hampshire recognizes marriages from the date of solemnization; same-sex couples who married in another state before New Hampshire adopted same-sex marriage will not see their unions legally vanish. Second, the bill repeals the Reverse Evasion Law. This law is a Jim Crow-era relic that bars couples from marrying in New Hampshire, if their home state doesn't consider their marriage valid or permissible. By changing the law, couples from states that do not yet recognize same-sex unions could visit our state and enter into a marriage recognized by New Hampshire. Third, this bill makes it clear that couples who have entered into civil unions in other states can get married without first dissolving their out-of-state union. This eliminates a burdensome bureaucratic impediment that advances no real goal. Finally, the bill changes language in New Hampshire's marital law to non-gender specific terminology, reflecting the changing legal nature of marriage in our state.

Vote 11-8.

Rep. Peter M. Sullivan
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references. **OUGHT TO PASS.**

Rep. Peter M. Sullivan for JUDICIARY. This bill clarifies several aspects of New Hampshire law that were affected by the growing acceptance of same-sex marriage across the country. First, the bill makes it clear that New Hampshire recognizes marriages from the date of solemnization; same-sex couples who married in another state before New Hampshire adopted same-sex marriage will not see their unions legally vanish. Second, the bill repeals the Reverse Evasion Law. This law is a Jim Crow-era relic that bars couples from marrying in New Hampshire, if their home state doesn't consider their marriage valid or permissible. By changing the law, couples from states that do not yet recognize same-sex unions could visit our state and enter into a marriage recognized by New Hampshire. Third, this bill makes it clear that couples who have entered into civil unions in other states can get married without first dissolving their out-of-state union. This eliminates a burdensome bureaucratic impediment that advances no real goal. Finally, the bill changes language in New Hampshire's marital law to non-gender specific terminology, reflecting the changing legal nature of marriage in our state. **Vote 11-8.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

OUGHT TO PASS VOTE: 11-8

REP. PETER M. SULLIVAN

This bill clarifies several aspects of New Hampshire law that were affected by the growing acceptance of same-sex marriage across the country. First, the bill makes it clear that New Hampshire recognizes marriages from the date of solemnization; same-sex couples who married in another state before New Hampshire adopted same-sex marriage will not see their unions legally vanish. Second, the bill repeals the Reverse Evasion Law. This law is a Jim Crow-era relic that bars couples from marrying in New Hampshire, if their home state doesn't consider their marriage valid or permissible. By changing the law, couples from states that do not yet recognize same-sex unions could visit our state and enter into a marriage recognized by New Hampshire. Third, this bill makes it clear that couples who have entered into civil unions in other states can get married without first dissolving their out-of-state union. This eliminates a burdensome bureaucratic impediment that advances no real goal. Finally, the bill changes language in New Hampshire's marital law to non-gender specific terminology, reflecting the changing legal nature of marriage in our state.

OK
mks

COMMITTEE REPORT

P. Sullivan

COMMITTEE: Judiciary

BILL NUMBER: SB 394

TITLE: relative to the recognition of out-of-state

marriages, uniform marriages recognition law...

DATE: 4-22-14 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

SB 394 Clarifies several aspects of New Hampshire law ~~and~~ that were affected by the growing acceptance of same-sex marriage across the country. First, the bill makes it clear the New Hampshire recognizes marriages from the date of solemnization; ^{same-sex} couples who married in another state before New Hampshire adopted same-sex marriage will not see their unions legally vanish. Second, the bill repeals the Reverse Evasion Law. This law is a Jim Crow-era relic that bars couples from marrying in NH if their home state doesn't ^{consider} ~~see~~ their marriage valid or permissible. By changing the law, ~~the~~ couples from states that do not yet recognize same-sex unions could visit our state and enter into a marriage recognized by New Hampshire. Third, SB 394 makes it clear

OVER →

COMMITTEE VOTE: 11-8

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Peter M. Sullivan
For the Committee

that couples who have entered into civil unions in other states can get married without first dissolving their out-of-state union. This eliminates a burdensome bureaucratic impediment that advances no real goal.

Finally, the bill changes language in New Hampshire's marital laws to non-gender specific terminology, reflecting the changing legal nature of marriage in our state.

OK
mks