

LEGISLATIVE COMMITTEE MINUTES

**HB681**

Bill as  
Introduced

HB 681-FN-A - AS INTRODUCED

2015 SESSION

15-0837  
05/08

HOUSE BILL            **681-FN-A**

AN ACT                increasing the marriage license fee.

SPONSORS:            Rep. Cushing, Rock 21; Rep. Mangipudi, Hills 35; Rep. Pantelakos, Rock 25;  
Rep. Harvey, Hills 29; Rep. Simpson, Rock 18; Sen. Soucy, Dist 18

COMMITTEE:          Ways and Means

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ANALYSIS

This bill increases the marriage license fee.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT            increasing the marriage license fee.

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

- 1        1 Marriage License Fee. Amend RSA 457:29 to read as follows:
- 2        457:29 Marriage License Fee. The fee for the marriage license shall be [~~\$45~~] \$50 to be paid by
- 3        the parties entering into the marriage. The clerk shall forward [~~\$38~~] \$43 from each fee to the
- 4        department of health and human services for the purposes of RSA 173-B:15. The clerk shall retain
- 5        the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and
- 6        forwarding the [~~\$38~~] \$43 portion of the marriage license fee.
- 7        2 Effective Date. This act shall take effect July 1, 2015.

LBAO  
15-0837  
01/26/15

·HB 681-FN-A - FISCAL NOTE

AN ACT            increasing the marriage license fee.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Health and Human Services, who was contacted on 01/06/15. When completed, the fiscal note will be forwarded to the House Clerk's Office.

**HB 681-FN-A FISCAL NOTE**

AN ACT            increasing the marriage license fee.

**FISCAL IMPACT:**

The Department of Health and Human Services and Department of State state this bill, as introduced, will increase state expenditures and restricted revenue by \$45,545 in FY 2016 and each year thereafter. There will be no impact on county and local expenditures or revenue.

**METHODOLOGY:**

The Department of Health and Human Services states this bill increases the marriage license fee from \$45 to \$50 and the amount forwarded to the Fund For Domestic Violence Grant Program from \$38 to \$43. The Department reports the five year average number of marriage licenses issued annually is 9,109. The Department estimates this bill will increase state restricted revenue by \$45,545 ( $9,109 * (\$43 - \$38)$ ). The Department states expenditures will correspondingly increase by \$45,545 because all moneys deposited into the Fund must be used exclusively for the domestic violence program pursuant to RSA 173-B:15.

The Department of State states it deposits the marriage license fees it collects into the Fund. Therefore, this bill will have no fiscal impact on the Department.

# Speakers







# Hearing Minutes

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 681-FN-A

**BILL TITLE:** increasing the marriage license fees.

**DATE:** 2/20/15

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 11:00 am

**Time Adjourned:** 11:15 am

(please circle if present)

**Committee Members:** Reps. Major Abrami, Griffin, Hess, Ulery, Azarian, Nigrello, McClarren, Ohm, Manning, Gallagher, Lachance, Leeman, Almy, Shattuck, Cooney, Lovejoy, Ames, Karrick, Henle and Southworth.

**Bill Sponsors:** Rep. Cushing, Rock 21; Rep. Mangipudi, Hills 35; Rep. Pantelakos, Rock 25; Rep. Harvey, Hills 29; Rep. Simpson, Rock 18; Sen. Soucy, Dist 18

TESTIMONY

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

Rep. Lovejoy – Introduced for Sponsor who was absent

\*Pamela English, NH Coalition against domestic & sexual violence – supports

Rep. mangipudi – supports  
Recessed to Monday, March 2, 2015 at 9:30 am

Respectfully submitted,

Rep. Bill Ohm, Acting Clerk



HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 681-FN-A

BILL TITLE: increasing the marriage license fees.

DATE: Feb 20

LOB ROOM: 202 Time Public Hearing Called to Order: 1100

Time Adjourned: 1215

(please circle if present)

Committee Members: Reps Major, Abrami, Griffin, Hess, Ulery, Azarian, Nigrello, McClarren, Ohm, Manning, Gallagher, Lachance, Leeman, Almy, Shattuck, Cooney, Lovejoy, Ames, Karrick, Henle and Southworth.

Bill Sponsors: Rep. Cushing, Rock 21; Rep. Mangipudi, Hills 35; Rep. Pantelakos, Rock 25; Rep. Harvey, Hills 29; Rep. Simpson, Rock 18; Sen. Soucy, Dist 18

TESTIMONY

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

• Introduced by Rep Lovejoy (sponsor absent)  
\* • Pamela English, SUPPORTS - NH Coalition Against Domestic + Sexual Violence

-RECESSED- to Mundy, March 2 @ 9130

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 681-FN-A

**BILL TITLE:** increasing the marriage license fees.

**DATE:** 3/2/15 - re-opened from 2/20

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 9:30 am

**Time Adjourned:** 10:05 am

(please circle if present)

**Committee Members:** Reps. Major, Abram, Griffin, Hess, Ulery, Azarian, Nigrello, McClarren, Olson, Manning, Gallagher, Lachance, Leeman, Almy, Shattuck, Cooney, Lovejoy, Ames, Karrick, Henle and Southworth.

**Bill Sponsors:** Rep. Cushing, Rock 21; Rep. Mangipudi, Hills 35; Rep. Pantelakos, Rock 25; Rep. Harvey, Hills 29; Rep. Simpson, Rock 18; Sen. Soucy, Dist 18

TESTIMONY

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

**Rep. Renny Cushing**, Sponsor – supports – spoke on domestic violence service center underfunded by lack of resources.

**Rep. Mangipudi** – supports

\* **Pamela English, Coalition against domestic violence** – supports

Respectfully submitted,

Rep. Gary Azarian, Clerk



HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 681-FN-A

re-opened from  
2/20

BILL TITLE: increasing the marriage license fees.

DATE: 3/2/15

LOB ROOM: 202 Time Public Hearing Called to Order: 9:36

Time Adjourned: 10:05

(please circle if present)

Committee Members: Reps. Major (Abrami, Griffin, Hess, Ulery, Azarian, Nigrello, McClarren, Ohm, Manning, Gallagher, Lachance, Leeman, Almy, Shattuck, Cooney, Lovejoy, Ames, Karrick, Henle) and Southworth.

Bill Sponsors: Rep. Cushing, Rock 21; Rep. Mangipudi, Hills 35; Rep. Pantelakos, Rock 25; Rep. Harvey, Hills 29; Rep. Simpson, Rock 18; Sen. Soucy, Dist 18

TESTIMONY

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

Rep. Cushing: In support

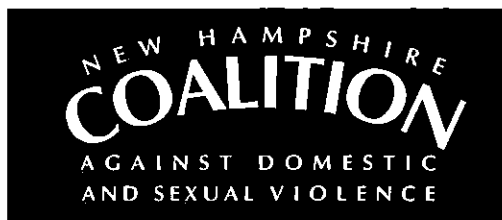
Spoke on Domestic Violence Service Center  
Underfunded by lack of resources

Rep. Mangipudi: In support of the bill

~~✱~~ Pamela English: Coalition against domestic violence  
In support

# Testimony

P.O. Box 353  
Concord, NH 03302-0353  
Phone: (603)-224-8893  
fax: (603)-228-6096  
www.nhcadsv.org  
www.reachoutnh.com



**Statewide Toll Free Hotlines**

Domestic Violence:  
1-866-644-3574  
Sexual Assault:  
1-800-277-5570

**MEMBERS:**

*RESPONSE to Sexual  
& Domestic Violence*  
Berlin  
Colebrook  
Lancaster

*Turning Points Network*  
Claremont  
Newport

*Crisis Center of Central  
New Hampshire*  
Concord

*Starting Point*  
Conway  
Ossipee

*Sexual Harassment and Rape  
Prevention Program (SHARPP)*  
University of New Hampshire  
Durham

*Monadnock Center for  
Violence Prevention*  
Keene  
Jaffrey  
Peterborough

*New Beginnings Without  
Violence and Abuse*  
Laconia

*WISE*  
Lebanon

*The Support Center at Burch House*  
Littleton

*YWCA Crisis Service*  
Manchester

*Bridges: Domestic & Sexual  
Violence Support*  
Nashua  
Milford

*Voices Against Violence*  
Plymouth

*A Safe Place*  
Portsmouth  
Rochester  
Salem

*Sexual Assault Support Services*  
Portsmouth  
Rochester

**Testimony of Pamela English, Administrative Director of the New Hampshire Coalition Against Domestic and Sexual Violence  
In SUPPORT of HB681, relative to increasing the marriage license fees**

Good afternoon Mr. Chairman and Members of the House Ways and Means Committee:

For the record my name is Pamela English and I am the Administrative Director of the New Hampshire Coalition Against Domestic and Sexual Violence. The Coalition is a statewide network of 14 independent member programs that provide services to victims of domestic violence, sexual assault, child abuse, and stalking. In 2013 the Coalition's 14 member programs served 15,007 victims of abuse in the State of New Hampshire.

**Today I am here to ask that you vote Ought to Pass on House Bill 681, which would modestly increase the marriage license fee by \$5.** Although HB 681 was not a request of the Coalition, we are thankful that Representative Cushing introduced this legislation in order to begin a conversation about increasing funding for domestic violence victims in NH.

Increasing New Hampshire's dedicated funding source that allows domestic violence programs to provide services that can literally mean the difference between life and death - the Domestic Violence Prevention Program (DVPP). This program was created by the New Hampshire Legislature in 1981 and only began facing cuts in recent years. The DVPP provides funding for emergency shelters, services for children who have been exposed to violence, 24-hour hotlines, and for domestic violence advocates to accompany victims to courts and hospitals.

As you may know, this program historically has been comprised of two pieces - a dedicated fund that directs a portion of the marriage license fee to domestic violence programs in New Hampshire, as well as a general fund appropriation that, for almost 20 years, appropriated a matching amount of general funds to this program. For instance, if the projected income for marriage license revenue was \$320,000 in a



Fiscal Year, \$320,000 was also appropriated to DVPP in general fund dollars. This general fund appropriation was sustained from 1994 until 2012, when the general fund appropriation was nearly eliminated. As a result of these cuts to our programs, nearly every program in the state has been forced to eliminate advocates who provide direct services to men, women, and children who are victims of domestic violence, sexual assault, or stalking. This comes at a time when victims of crime arrive on shelter doorsteps facing so many more barriers due to recent cuts in mental health programs, legal advocacy programs, financial assistance, and substance abuse treatment. Advocates across the state are now accommodating more complex issues with woefully depleted resources.

Furthermore, our programs have been forced to reduce coverage in rural areas, close satellite offices, and reduce important support services such as: support groups, hospital accompaniment, court accompaniment, comprehensive case management, assistance with childcare, food and travel, providing school-based prevention programs, as well as outreach and awareness efforts.

**Perhaps most alarming is the fact that last year 1,131 adult victims of domestic violence were turned away from our shelters because those shelters were already at capacity due to the lack of funding.** Sadly, a significant proportion of those 1,131 victims were not alone when they sought shelter. That figure does not include the children who accompanied these victims, children who are oftentimes victims themselves.

Half the homicides in New Hampshire and 92% of our murder-suicides every year are the result of domestic violence. It is impossible to know if not receiving timely and complete assistance means that one of those 1,131 victims who did not receive shelter was seriously injured or even killed as a result of not getting critical services. That may sound dramatic, but it's the reality that victims face every day. This funding can mean the difference between life and death for these victims and their children.

Last year, the New Hampshire Legislature established the crime of domestic violence by passing Joshua's Law—unanimously in the Senate, and on a staggering 325-3 roll call vote in the House. According to a survey conducted by the UNH Survey Center, that measure was supported by 74% of New Hampshire residents polled. In that same report, it was determined 58% of Granite Staters believe that the current funding level for domestic violence centers is insufficient.

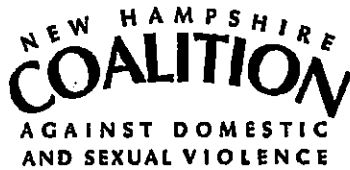
According to data collection by the National Network to End Domestic Violence, the vast majority of states provide domestic violence funding in the multi-million dollar range. New Hampshire receives one of the lowest amounts of state funding— by a large margin – and by that I mean millions of dollars less—of any state in the continental U.S. It is our hope that the Committee will consider this small increase to the marriage license fee, which has remained at \$45 for 34 years, in order to increase these vital community services.

New Hampshire needs a stable funding source to adequately address the needs of victims of violence. With the recent cuts to the general fund appropriation, it has become clear that the only way to ensure this stable source of funding is by modestly increasing the marriage license fee.

Thank you for your time, and I would be happy to answer any questions.

Pamela English  
Administrative Director  
New Hampshire Coalition Against Domestic and Sexual Violence

Please refer to the attached sheet "Domestic Violence Prevention Program (DVPP)" for a detailed history of our funding in the NH State Budget.



## Domestic Violence Prevention Program (DVPP)

### What is the DVPP?

The Domestic Violence Prevention Program (DVPP) was created by the NH Legislature in 1981 and established a dedicated fund to support direct services to victims of domestic violence. The NH Department of Health and Human Services has contracted with the New Hampshire Coalition Against Domestic and Sexual violence to manage the DVPP since inception. The DVPP has traditionally been funded through two sources. The first is through a dedicated state fund that appropriates \$38 dollars of each \$45 marriage license fee to our programs. The second source is general funds that were first allocated in 1994. For the past 18 years, the NH State Budget has continued to allocate both revenue generated by the marriage licenses and general fund dollars for domestic violence services. Then, in the FY 2012-2013 budget, the general fund money was entirely cut from the budget.

### What happened to the DVPP in the FY12 & FY13 budget cycle?

Governor Lynch budgeted the approximately \$350,000 in marriage license fees and \$320,000 in general funds for the DVPP for a total allocation of \$670,000.

The House then reduced the general fund appropriation from \$320,000 to approximately \$153,000.

The Senate further reduced the House recommended general fund appropriation to approximately \$3,000. The Senate also budgeted \$150,000 in temporary federal TANF funds for FY12 and FY13 instead of appropriating general fund dollars.

The final DVPP allocation of \$505,000 represented about a \$167,000 cut per year from the Governor's recommendation.

### What happened to the DVPP in the FY14 & FY15 budget cycle?

Governor Hassan's budget recommended the same budget that was passed with the reduction in the previous biennium. The TANF funds were retained in her budget.

The House's budget later restored some of the cuts to the DVPP by increasing the marriage license fee by \$5. This new revenue of approximately \$40,000 per year was to be dedicated to the DVPP in an effort to restore some of the general fund appropriation that was cut in FY 12 & FY13.

The Senate removed the marriage license restoration from HB2, and instead appropriated \$40,000 per year in General Fund dollars through HB1. During the committee of conference, another \$20,000 per year in General Fund dollars was restored, for a total allocation of \$62,498 in General Fund dollars per year and \$150,000 in TANF funds.

In total, \$120,000 of General Fund dollars were restored to domestic violence services over the FY 2014-2015 biennium. Unfortunately, this is still a reduction of approximately \$110,000 per year in funding from the funding level pre FY 2012-2013.



## 2013 Statewide Stats

### Domestic Violence – Primary Victims:

Adult:

Child Abuse:

Child Exposure:

TOTAL:

Year: 2012			Year: 2013		
Female	Male	Total	Female	Male	Total
8,103	423	8,526	7,729	407	8,136
192	83	275	178	81	259
183	160	343	176	125	301
8,478	666	9,144	8,083	613	8,696

### Sexual Violence – Primary Victims:

Adult SA:

Child SA:

Adult Survivor of Child SA:

Sexual Harassment:

TOTAL:

Year: 2012			Year: 2013		
Female	Male	Total	Female	Male	Total
965	85	1,050	750	77	827
658	237	895	598	200	798
138	16	154	116	21	137
47	4	51	55	7	62
1,808	342	2,150	1,519	305	1,824

### Stalking – Primary Victims

TOTAL:

Year: 2012			Year: 2013		
Female	Male	Total	Female	Male	Total
598	108	706	534	92	626

### TOTAL Primary Victims:

TOTAL Secondary Victims:

Third Party Referrals

TOTAL INDIVIDUALS SERVED:

Year: 2012	Year: 2013
12,000	11,146
3,225	2,878
1,123	983
16,348	15,007



## 2013 Statewide Stats

<u>Age of Victims – Primary</u>	Year: 2012			Year: 2013		
	DV	SA	Stalking	DV	SA	Stalking
0 – 12	420	520	2	396	467	4
13 – 17	198	384	34	164	343	34
18 – 25	1,077	379	127	1,048	318	107
26 – 40	2,343	328	177	2,225	265	175
41 – 60	1,444	209	169	1,475	174	136
61+	228	18	31	247	16	41
unknown	3,434	312	166	3,141	241	129
<b>TOTAL:</b>	<b>9,144</b>	<b>2,150</b>	<b>706</b>	<b>8,696</b>	<b>1,824</b>	<b>626</b>

<u>Housing-Shelter/Safehome</u>	Year: 2012		Year: 2013	
	# Guests	Total Bed Nights	# Guests	Total Bed Nights
DV Adult Women:	333	19,806	321	21,848
DV Adult Men:	2	3	3	324
Children:	225	18,312	245	20,164



## 2013 Statewide Stats

Year: 2013			
<u>Domestic Violence – Primary Victims:</u>	Female	Male	Total
Adult:	7,729	407	8,136
Child Abuse:	178	81	259
Child Exposure:	176	125	301
<b>TOTAL:</b>	<b>8,083</b>	<b>613</b>	<b>8,696</b>

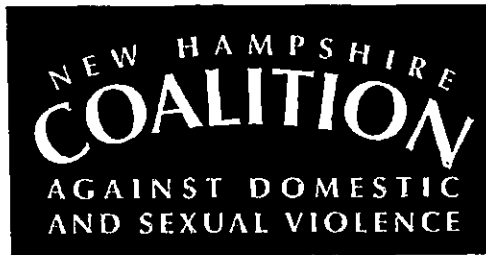
Year: 2013			
<u>Sexual Violence – Primary Victims:</u>	Female	Male	Total
Adult SA:	750	77	827
Child SA:	598	200	798
Adult Survivor of Child SA:	116	21	137
Sexual Harassment:	55	7	62
<b>TOTAL:</b>	<b>1,519</b>	<b>305</b>	<b>1,824</b>

Year: 2013			
<u>Stalking – Primary Victims</u>	Female	Male	Total
<b>TOTAL:</b>	<b>534</b>	<b>92</b>	<b>626</b>

Year: 2013	
<u>TOTAL Primary Victims:</u>	11,146
<u>TOTAL Secondary Victims:</u>	2,878
<u>Third Party Referrals</u>	983
<b>TOTAL INDIVIDUALS SERVED:</b>	<b>15,007</b>

Year: 2013			
<u>Age of Victims – Primary</u>	DV	SA	Stalking
0 – 12	396	467	4
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<b>TOTAL:</b>	<b>8,696</b>	<b>1,824</b>	<b>626</b>

Year: 2013		
<u>Housing-Shelter/ Safehome</u>	# Guests	Total Bed Nights
DV Adult	321	21,848
DV Adult Men:	3	324
Children:	245	20,164



*Founded in 1977*

As a result of the state and federal funding reductions of the past two years:

- 12 out of 13 of the member programs that provide direct services to domestic violence victims have had to either eliminate at least one staff position, or reduce the number of staff hours.
- 100% of programs indicate that any further funding reductions will lead to layoffs or more staff hours being reduced.
- The following services have been reduced or eliminated:
  - Coverage in rural areas (ex. Satellite offices closed)
  - Comprehensive case management
  - Reduced number of support groups
  - Coverage at Child Advocacy Centers
  - Direct Service
  - Court Accompaniment
  - Assisting with client needs like food, travel, and childcare
  - School Based Prevention Programs
  - Outreach and awareness efforts and materials

*"We lost a full time Advocate and the ability to be available for up to 100 survivors 'in the moment' and we lost the ability to provide long term peer support and some groups. The longer term peer support and support groups provide the ongoing services needed by survivors through the healing process. It is also during this time that survivors are able to focus on financial independence and breaking the cycle of poverty and abuse for their children. Without this long term intervention, survivors need to apply for or remain on TANF, food stamps and Medicaid. Our intervention is far less costly (by up to tens of thousands of dollars per survivor) than state assistance and it saves lives.*

Member program located in Sullivan County.

*"We had to eliminate support groups at a local agency that provides services to women with substance abuse issues. That one example amounts to 200 victims that will not receive our services.*

Member program in Nashua

*"My staff ask me if I live here because when they drive by at night and on the weekend my light is always on. I have no choice, I have to help provide direct services while also doing the work of the executive director which has become extremely labor intense with all of the grant reporting that we are required to complete."*

Member program in Littleton

*"Our annual appeal has greatly decreased over the past three years due to the economy. Meanwhile the need for administrative staff seems to increase each year as the compliance and reporting with state and federal funding continues to be more onerous.*

Member program in the Monadnock area.

Over the past two years we have seen an increase in demand across the board, the areas of greatest need include:

- Requests for Shelter and transitional housing  
Note: In 2011, the member programs of the New Hampshire Coalition Against Domestic and Sexual Violence had to turn away 721 people who requested shelter due to lack of capacity.
- Hospital Calls as the level of intensity in the violence has escalated
- Requests for accompaniment at court.
- Requests for advocates at the Child Advocacy Centers
- Sexual Assault services

*"In the calendar year 2010 to 2012 we saw a 50% increase in the number of victims we served"*

-Member program located in Coos County.

Due to the elimination or reduction in services at other area agencies these domestic violence programs are being forced to fill the gaps in the following areas:

- Mental Health
- Substance Abuse
- Legal Assistance
- Affordable Housing
- Financial assistance
- Medical Care
- Child Advocacy
- Assistance in obtaining food, clothing, and childcare.

*"We are seeing longer shelter stays because there is not enough community supports available including affordable housing. Everything is declining: housing assistance, financial supports, access to mental health services. Clients, and our program on their behalf, are struggling just to get prescription medication and access to medical care."*

Member program in Littleton

*"The only retailer we have in our area is Wal-mart. We requested \$2,500 in basic merchandise for shelter guests (toiletries, clothes, etc.) and were turned down. We have no one else to ask."*

Member program in Coos County

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The New Hampshire Coalition Against Domestic and Sexual Violence

PO Box 353

Concord, NH 03302

[www.nhcadsv.org](http://www.nhcadsv.org)

603-224-8893

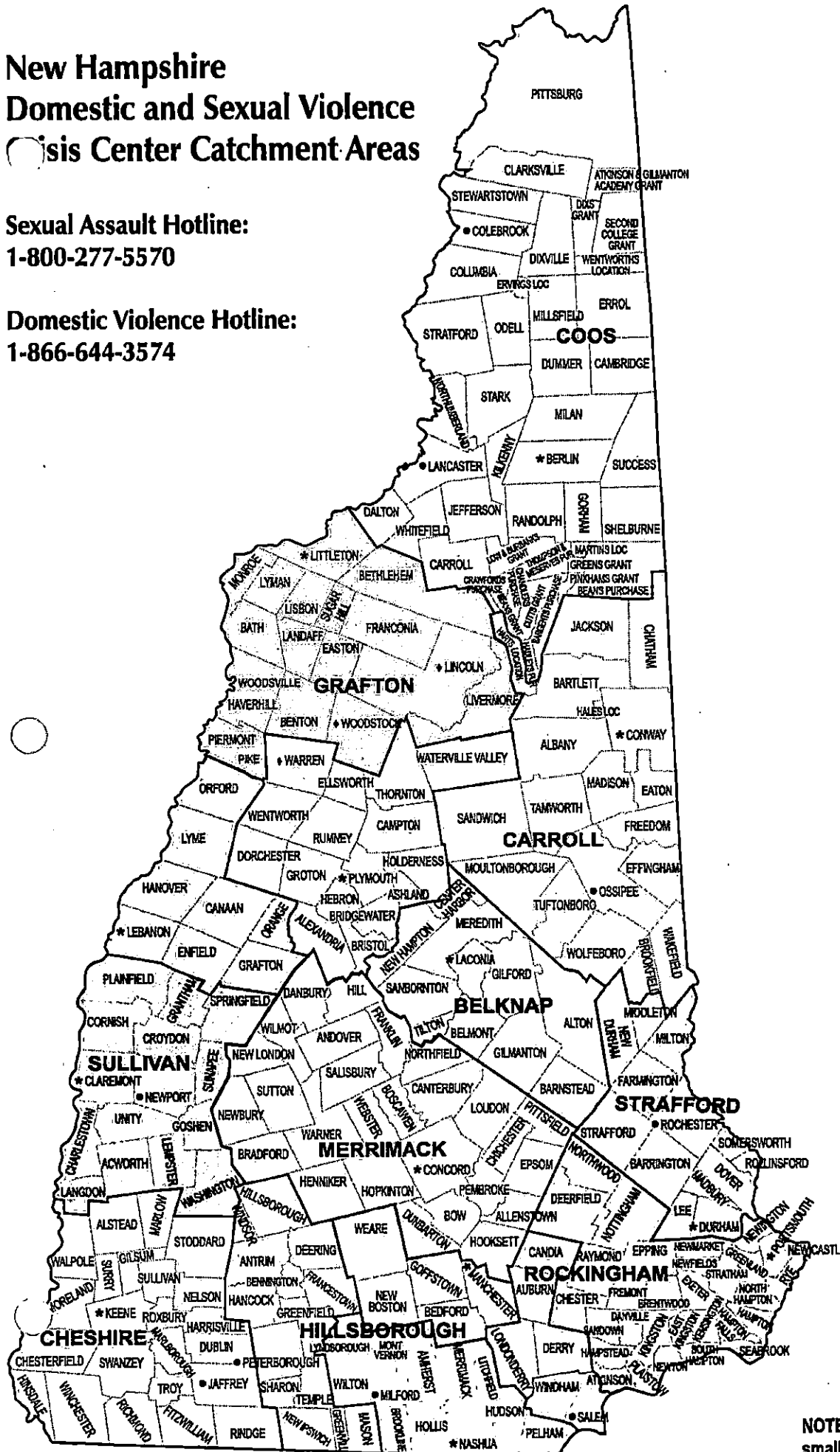
The 14 member programs of the New Hampshire Coalition Against Domestic and Sexual Violence provide services regardless of gender, age, health status (including HIV-positive), physical, mental or emotional ability, sexual orientation, gender identity/expression, socio-economic status, race, national origin, immigration status or religious or political affiliation.





















# New Hampshire Domestic and Sexual Violence Crisis Center Catchment Areas

**Sexual Assault Hotline:  
1-800-277-5570**

**Domestic Violence Hotline:  
1-866-644-3574**



-  RESPONSE
-  SUPPORT CENTER
-  STARTING POINT
-  VOICES
-  WISE
-  NEW BEGINNINGS
-  TURNING POINTS
-  CCCNH
-  A SAFE PLACE
-  SASS
-  SHARPP SHARPP serves the students, faculty and staff of the University of New Hampshire
-  YWCA
-  BRIDGES
-  MCVP
-  Windham & Salem:  
Calls for Sexual Assault – covered by Bridges;  
Calls for Domestic Violence – covered by A Safe Place
-  VOICES AGAINST VIOLENCE and THE SUPPORT CENTER both provide services to victims in Lincoln, Woodstock and Warren.
-  MAIN OFFICE
-  SATELLITE OFFICE

**NOTE: Due to space restrictions, some smaller towns are not shown on this map**



## DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING SUPPORT SERVICES IN NEW HAMPSHIRE

**NH Statewide Sexual Assault Hotline: 1-800-277-5570**

**NH Statewide Domestic Violence Hotline: 1-866-644-3574**

**NH Coalition Against Domestic and Sexual Violence**

PO Box 353, Concord, NH 03302-0353 - Office Phone: 603-224-8893 - Web Site: [www.nhcadsv.org](http://www.nhcadsv.org)

The NH Coalition is comprised of 14 member programs throughout the state that provide services to survivors of sexual assault, domestic violence, stalking and sexual harassment. You do not need to be in crisis to call. Services are free, confidential, and available to everyone regardless of gender, age, health status (including HIV-positive), physical, mental or emotional ability, sexual orientation, gender identity/expression, socio-economic status, race, national origin, immigration status or religious or political affiliation. The services include:

- Support and information, available in person and through a 24-hour hotline
- Accompaniment, support, and advocacy at local hospitals, courts, and police departments
- Access to emergency shelter
- Peer Support Groups
- Assistance with protective/restraining orders and referrals to legal services
- Information and referrals to community programs
- Community and professional outreach and education

### **RESPONSE to Sexual & Domestic Violence**

54 Willow Street  
Berlin, NH 03570  
1-866-662-4220 (crisis line)  
603-752-5679 (Berlin office)  
603-237-8746 (Colebrook office)  
603-788-2562 (Lancaster office)  
[www.coosfamilyhealth.org/response](http://www.coosfamilyhealth.org/response)

### **Turning Points Network**

11 School Street  
Claremont, NH 03743  
1-800-639-3130 (crisis line)  
603-543-0155 (Claremont office)  
603-863-4053 (Newport office)  
[www.free-to-soar.org](http://www.free-to-soar.org)

### **Crisis Center of Central New Hampshire (CCCNH)**

PO Box 1344  
Concord, NH 03302-1344  
1-866-841-6229 (crisis line)  
603-225-7376 (office)  
[www.cccnh.org](http://www.cccnh.org)

### **Starting Point: Services for Victims of Domestic & Sexual Violence**

PO Box 1972  
Conway, NH 03818  
1-800-336-3795 (crisis line)  
603-447-2494 (Conway office)  
603-539-5506 (Ossipee office)  
[www.startingpointnh.org](http://www.startingpointnh.org)

### **Sexual Harassment & Rape Prevention Program (SHARPP)**

8 Ballard Street  
Wolff House  
Durham, NH 03824  
1-888-271-SAFE (7233) (crisis line)  
603-862-3494 (office)  
[www.unh.edu/sharpp](http://www.unh.edu/sharpp)

### **Monadnock Center for Violence Prevention**

12 Court Street  
Keene, NH 03431-3402  
1-888-511-6287 (crisis line)  
603-352-3782 (crisis line)  
603-352-3782 (Keene office)  
603-209-4015 (Peterborough)  
603-532-6288 (Jaffrey office)  
[www.mcvprevention.org](http://www.mcvprevention.org)

### **New Beginnings – Without Violence and Abuse**

PO Box 622  
Laconia, NH 03247  
1-866-841-6247 (crisis line)  
603-528-6511 (office)  
[www.newbeginningsnh.org](http://www.newbeginningsnh.org)

### **WISE**

38 Bank Street  
Lebanon, NH 03766  
1-866-348-WISE (crisis line)  
603-448-5525 (local crisis line)  
603-448-5922 (office)  
[www.wisefoftheuppervalley.org](http://www.wisefoftheuppervalley.org)

### **The Support Center at Burch House**

PO Box 965  
Littleton, NH 03561  
1-800-774-0544 (crisis line)  
603-444-0624 (Littleton office)  
[www.tccap.org/support\\_center.htm](http://www.tccap.org/support_center.htm)

### **YWCA crisis Service**

72 Concord Street  
Manchester, NH 03101  
603-668-2299 (crisis line)  
603-625-5785 (Manchester office)  
[www.ywcanh.org](http://www.ywcanh.org)

### **Bridges: Domestic & Sexual Violence Support**

PO Box 217  
Nashua, NH 03061-0217  
603-883-3044 (crisis line)  
603-889-0858 (Nashua office)  
603-672-9833 (Milford office)  
[www.bridgesnh.org](http://www.bridgesnh.org)

### **Voices Against Violence**

PO Box 53  
Plymouth, NH 03264  
1-877-221-6176 (crisis line)  
603-536-1659 (local crisis line)  
603-536-5999 (public office)  
603-536-3423 (shelter office)  
[www.vavnh.org](http://www.vavnh.org)

### **A Safe Place**

6 Greenleaf Woods, Suite 101  
Portsmouth, NH 03801  
1-800-854-3552 (crisis line)  
603-436-7924 (Portsmouth crisis line)  
603-436-4619 (Portsmouth office)  
603-330-0214 (Rochester crisis line)  
603-890-6392 (Salem crisis line)  
[www.asafepiacen.org](http://www.asafepiacen.org)

### **Sexual Assault Support Services**

7 Junkins Avenue  
Portsmouth, NH 03801  
1-888-747-7070 (crisis line)  
603-436-4107 (Portsmouth office)  
603-332-0775 (Rochester office)  
[www.sassnh.org](http://www.sassnh.org)

	<b>Marriage License Fee RSA 457:29</b>	<b>DHHS Portion Allocated to: Domestic Violence Grant Program (RSA 173-B:15)</b>	<b>General Fund Portion</b>	<b>Amount Forwarded by Town Clerk</b>	<b>Town Clerk Fee Portion</b>
<b>Current Law 2011 (224:320) Effective July 1, 2011</b>	\$45	\$38		\$38	\$7
<b>2010 (Special Session, 1:68) Effective June 10, 2010</b>	\$50	\$38	\$5	\$43	\$7
<b>1993 (149:2) Effective July 16, 1993</b>	\$45	\$38		\$38	\$7
<b>1989 (277:1) Effective July 29, 1989</b>	\$40	\$33		\$33	\$7
<b>1981 (223:1) Effective June 11, 1981</b>	\$20	\$13		\$13	\$7
<b>1973 (335:3) Effective August 26, 1973</b>	\$5				\$5
<b>1951 (92:1) Effective May 2, 1951</b>	\$3				\$3
<b>1929 (54:1) Effective March 13, 1929</b>	\$2				\$2
<b>1911(173:1) Effective June 1, 1911</b>	\$1				\$1
<b>1854 (1518:2) Effective July 14, 1854 (same since 1842)</b>	50¢				50¢
<b>Prior to 1854? Passed February 15, 1791/Effective(?) September 15, 1792 (1805 RS)</b>	4 pence				4 pence

<b>Vital Records Fees</b> <b>RSA 5-C:10 (Dept of State Since 2005)</b>  <b>RSA 126:15 (DHHS or Division of Public Health Prior to 2005)</b>	<b>Search Fee (includes issuance of such copy)</b>	<b>Subsequent Copy Fee</b>	<b>Delayed Birth Certificate Fee to Town Clerks</b>	<b>Town Clerk's Fee for Corrections or Amendments (if not made by Town Clerk)</b> <b>RSA 126:23-a</b>
<b>Current Law 2013 (144:9)</b> <b>Effective 7/1/2013</b>	<b>\$15/</b> <b>\$8 sent by Town Clerks to State Dept for Vital Records</b> <b>\$7 Town Clerk</b>	<b>\$10/</b> <b>\$5 to Vital Records</b> <b>\$5 to Town Clerk</b>	<b>\$25</b>	<b>\$10</b>
<b>2010 (Special Session, 1:69)</b> <b>Effective June 10, 2010</b>	<b>\$15/</b> <b>\$8 sent by Town Clerks to State Dept for Vital Records</b> <b>\$3 sent by Town Clerks to State General Fund</b> <b>\$4 Town Clerk</b>	<b>\$10/</b> <b>\$5 to Vital Records</b> <b>\$2 to State General Fund</b> <b>\$3 to Town Clerk</b>	<b>\$25</b>	<b>\$10</b>
<b>2005 (268:1)</b> <b>Recodified to RSA 5-C:10</b> <b>Effective January 1, 2006</b>	<b>\$12/</b> <b>\$8 sent by Town Clerks to State Dept for Vital Records</b> <b>\$4 Town Clerk</b>	<b>\$8/</b> <b>\$5 to Vital Records</b> <b>\$3 to Town Clerk</b>	<b>\$25</b>	<b>\$10</b>
<b>1999 (254:1)</b> <b>Effective September 7, 1999</b>	<b>\$12/</b> <b>\$8 sent by Town Clerks to DHHS for Vital Records</b> <b>\$4 Town Clerk</b>	<b>\$8/</b> <b>\$5 to Vital Records</b> <b>\$3 to Town Clerk</b>	<b>\$25</b>	<b>\$10</b>
<b>1995-reference change to DHHS from Division</b>				

<b>Vital Records Fees</b> <b>RSA 5-C:10 (Dept of State Since 2005)</b>  <b>RSA 126:15 (DHHS or Division of Public Health Prior to 2005)</b>	<b>Search Fee (includes issuance of such copy)</b>	<b>Subsequent Copy Fee</b>	<b>Delayed Birth Certificate Fee to Town Clerks</b>	<b>Town Clerk's Fee for Corrections or Amendments (if not made by Town Clerk) RSA 126:23-a</b>
<b>1992 (66:4, 5 and 289:11, 24) Effective July 1, 1992* and June 17, 1992*</b>	<b>\$10/</b> <b>\$6 sent by Town Clerks to Division of Public Health* for Vital Records</b> <b>\$4 Town Clerk</b>	<b>\$6/</b> <b>\$3 to Vital Records</b> <b>\$3 to Town Clerk</b>	<b>\$25</b>	<b>\$10</b>
<b>1991 (355:17) Effective July 1, 1991</b>	<b>\$10/</b> <b>\$6 sent by Town Clerks to State Treasurer for Vital Records</b> <b>\$4 Town Clerk</b>		<b>\$4</b>	<b>\$1</b>
<b>1977 (563:32) Effective July 15, 1977</b>	<b>\$3 Town Clerk</b>		<b>\$4</b>	<b>\$1</b>
<b>1973(335:2) Effective August 26, 1973</b>	<b>\$2 Town Clerk</b>		<b>\$4</b>	<b>\$1</b>
<b>1959 (43:2, 3) Effective June 7, 1959</b>	<b>\$1 Town Clerk</b>		<b>\$2</b>	<b>\$1</b>
<b>1943 (194:1) Effective May 18, 1943</b>	<b>50¢ Town Clerk</b>		<b>\$2</b>	
<b>Prior to 1943?</b> <b>Passed February 15, 1791/Effective(?) September 15, 1792 (1805 RS)</b>	<b>2 pence for births and burials (Town Clerk)</b>			

# TITLE XLIII DOMESTIC RELATIONS

## CHAPTER 457 MARRIAGES

### Documentation of Marriages

#### Section 457:29

**457:29 Marriage License Fee.** – The fee for the marriage license shall be \$45 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the \$38 portion of the marriage license fee.

**Source.** RS 147:5. CS 156:5. 1854, 1518:2. GS 161:5. GL 180:5. PS 174:6. 1911, 173:1. PL 286:26. 1929, 54:1. RL 338:29. 1951, 92:1. RSA 457:29. 1973, 335:3. 1981, 223:1. 1989, 277:1. 1992, 289:8. 1993, 149:2. 1999, 240:5, eff. Jan. 1, 2000. 2010, Sp. Sess., 1:68, eff. June 10, 2010. 2011, 224:320, eff. July 1, 2011.

# TITLE I

## THE STATE AND ITS GOVERNMENT

### CHAPTER 5-C

#### VITAL RECORDS ADMINISTRATION

##### Section 5-C:10

###### **5-C:10 Fees for Copies, Verifications and Amendments to Vital Records. –**

I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:9, the sum of \$15 for making a search, which sum shall include payment for the issuance of such copy or verification, and \$10 for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward \$8 of each search fee collected by the clerk under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:15 and shall retain the remaining \$7 as the clerk's fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:15 and shall retain the remaining \$5 as the clerk's fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

III. Any correction or amendment to a record of any birth, marriage, or death shall be made by the town clerk according to the procedures established in this chapter. The town clerk shall receive for amending or correcting any record the fee of \$10 to be paid by the person making application for such an amendment or correction. The town clerk shall retain the fee collected under this paragraph for making such correction or amendment. Such fee shall be waived if the error was made by the town clerk.

**Source.** 2005, 268:1. 2010, Sp. Sess., 1:69, eff. June 10, 2010. 2013, 144:109, eff. July 1, 2013.

# **TITLE I**

## **THE STATE AND ITS GOVERNMENT**

### **CHAPTER 5-C**

#### **VITAL RECORDS ADMINISTRATION**

##### **Section 5-C:1**

XXXVI. "Vital event" means any of the following occurrences:

- (a) Birth.
- (b) Adoption.
- (c) Death.
- (d) Fetal death.
- (e) Marriage.
- (f) Divorce.
- (g) Legal separation.
- (h) Civil annulment.

XXXVII. "Vital record" means a certificate or report of a vital event.

XXXVIII. "Vital statistics" means the data derived from certificates and reports of vital events.



NOTICE: This opinion is subject to motions for rehearing under Rule 22 as well as formal revision before publication in the New Hampshire Reports. Readers are requested to notify the Reporter, Supreme Court of New Hampshire, One Noble Drive, Concord, New Hampshire 03301, of any editorial errors in order that corrections may be made before the opinion goes to press. Errors may be reported by E-mail at the following address: reporter@courts.state.nh.us. Opinions are available on the Internet by 9:00 a.m. on the morning of their release. The direct address of the court's home page is: <http://www.courts.state.nh.us/supreme>.

THE SUPREME COURT OF NEW HAMPSHIRE

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Hillsborough-northern judicial district  
No. 2005-352

GAYLE B. D'ANTONI & a.

v.

COMMISSIONER, NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

Argued: March 8, 2006

Opinion Issued: June 14, 2006

Mark M. Rufo, of Nashua, by brief and orally, for the plaintiffs.

Kelly A. Ayotte, attorney general (Orville B. Fitch II, senior assistant attorney general, on the brief, and Michael K. Brown, senior assistant attorney general, orally), for the defendant.

BRODERICK, C.J. The plaintiffs, Gayle B. D'Antoni, Thomas E. D'Antoni, Nicholas Cenatiempo and Mary Cenatiempo, appeal the decision of the Superior Court (Abramson, J.) granting summary judgment to the defendant, the Commissioner of the New Hampshire Department of Health and Human Services. We affirm.

I

The plaintiffs are two married couples who each paid \$45 to obtain marriage licenses. This cost is established by RSA 457:29 (2004), which states:

The fee for the marriage license shall be \$45 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the \$38 portion of the marriage license fee.

The \$38 portion is allocated to a special fund for domestic violence programs (DOVE Fund). The sole purpose of the fund is to provide revenues for the domestic violence program established in RSA 173-B:16 (2002), and DOVE Fund monies are not available for any other purpose. RSA 173-B:15 (2002). The State treasurer is required to deposit all money generated from the \$38 portion into the fund. Id.

Although RSA 457:29 labels the entire \$45 a fee, the plaintiffs alleged that the \$38 portion is, in fact, a tax. As such, they claimed that it violated Part I, Article 12 and Part II, Article 5 of the State Constitution. The commissioner disagreed, arguing that the \$38 portion of the \$45 payment was a fee, and therefore was not within the purview of those constitutional provisions.

The plaintiffs moved for summary judgment and attached as exhibits a certificate of intention of marriage and a pamphlet describing the requirements for receiving a marriage license, one of which is the \$45 payment. The commissioner filed a cross-motion for summary judgment and attached affidavits by William R. Bolton, Jr., and Michelle Rosenthal. Bolton is the registrar of vital records and director of the division of vital records administration, and Rosenthal is the domestic violence intervention coordinator at the department of health and human services.

Bolton's affidavit explained that his division manages approximately 40,000 vital records each year, including almost 10,000 marriages and 5,000 divorces. His affidavit further explained that the cost of the tracking software for marriage and divorce records is approximately \$105,000 per year, with marriage records alone approaching \$70,000. Taking into account the additional funds expended on application support, staffing, helpdesk, equipment replacement, maintenance and preservation of records, Bolton estimated that the combined cost of the marriage license program, including record creation and retention, is approximately \$40.44 per marriage.

Rosenthal's affidavit described the incidence of domestic violence among married couples. Based upon her four years of experience and training in the area of domestic violence, Rosenthal related that she had "personal knowledge regarding the relationship of domestic violence to marriage." Her affidavit

explained that historically, husbands have had social and legal authority over their wives. "While the legal status of wives has changed, remnants of these historical relationships, and the sense of entitlement and ownership they fostered, exist in our society today." She contended that many husbands believe that they are entitled to take liberties with their wives, including acts of violence, that they would not take with other persons. She stated that the "relationship between domestic violence and marriage extends to all aspects of marriage including the process of applying for and obtaining a license to be married."

Rosenthal explained that nearly one-third of American women report being physically or sexually abused by a husband or boyfriend at some point in their lives, and that 30% of female murder victims in the United States are slain by their husbands or boyfriends. Finally, Rosenthal's affidavit stated that one-half of all women will experience some form of violence from their partners during marriage, and that more than one-third are battered repeatedly every year. For each of these statistics, she provided a citation to a survey, an FBI report, or a scholarly journal.

The plaintiffs filed an objection to the commissioner's motion for summary judgment, and also objected to Bolton's affidavit on the grounds that it presented "no information relevant to the issue before the court." They further argued that the commissioner seemed "to imply that the Court should rewrite statutory law on marriage license fees so as to reimburse the State for costs of keeping mandated vital statistics." They did not, however, dispute the dollar amounts contained in the Bolton affidavit, nor did they offer any contrary figures.

The plaintiffs also objected to Rosenthal's affidavit on the grounds that it presented "no information relevant to the issue before the court," and that it was "not based upon personal knowledge or admissible facts" to which Rosenthal would be competent to testify. The plaintiffs argued that she was not an expert in history, psychology, or sociology, but nonetheless gave historical, psychological, and sociological opinions. While they did attach an article by two domestic violence experts explaining that domestic violence rates are lower among married couples than among couples who cohabit, they did not present any evidence or arguments attacking the study, report, and article upon which Rosenthal relied.

In granting the commissioner's motion for summary judgment and denying the plaintiffs' cross-motion, the trial court, relying upon American Automobile Association v. State of New Hampshire, 136 N.H. 579 (1992), determined that the funds acquired through issuing marriage licenses were fees and not taxes, and that because they are dollars, the \$38 charge was fungible and could be directed to the DOVE Fund. The trial court also ruled

that, as fees, the funds were reasonable because they related to the costs incurred by the State in issuing marriage licenses.

Finally, the plaintiffs apparently made claims relating to equal protection and the fundamental right to marry, which the trial court denied. This appeal followed.

## II

The plaintiffs first argue that the trial court erred in granting the commissioner's motion for summary judgment. Both parties moved for summary judgment and neither contends that there are any genuine issues of material fact. As such, we review the trial court's application of law to the facts de novo. See Hughes v. N.H. Div. of Aeronautics, 152 N.H. 30, 35 (2005). The opponent of a motion for summary judgment has the burden of contradicting facts in the proponent's affidavits or risking them being deemed admitted for purposes of the motion. Carbur's Inc. v. A & S Office Concepts, Inc., 122 N.H. 421, 423 (1982). Our review of the \$38 charge is confined to our general tax-versus-fee analysis.

The State Constitution grants the legislature the power "to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the . . . state." N.H. CONST. pt. II, art. 5. In applying this provision, the threshold inquiry is whether the charges in question are fees or taxes. A "tax" is an enforced contribution to raise revenue and not to reimburse the State for special services. American Automobile Assoc. v. State, 136 N.H. 579, 584 (1992). Taxes must be levied proportionately upon all taxpayers. Starr v. Governor, 148 N.H. 72, 74 (2002).

To be considered a "fee," the amount paid to acquire a business license, for example, must bear a relationship to and approximate the expense of issuing the license and of inspecting and regulating the business licensed. Laconia v. Gordon, 107 N.H. 209, 211 (1966). We have applied this same analysis to other kinds of charges, such as motor vehicle certificates of title fees. See American Automobile, 136 N.H. at 581-83. We consider principally the necessary expenses of issuing a license, certificate, or other document, and any costs associated with related inspection, regulation or supervision as may be required. Id. at 585; Gordon, 107 N.H. at 211. The amount of a "fee" will be sustained as long as it is not grossly disproportionate to the regulatory expenses — that is, it may cover incidental expenses incurred in consequence of the activity regulated, provided that the resulting "fee" does not become unreasonable. American Automobile, 136 N.H. at 585.

The plaintiffs argue that the \$38 charge is not related to the costs of issuing a marriage license or to the regulation of marriages. While we

recognize that marriage licenses, as the plaintiffs contend, are “neither subject to periodic renewal nor [do they subject] the licensee to any State regulatory authority,” we cannot say that the trial court erred in ruling that the funds are related to the costs of issuing the license. The Bolton affidavit indicates that the cost to the State of issuing and record-keeping for each marriage license is approximately \$40.44.

The plaintiffs contend that the State must assert that it would save money by ceasing to issue the marriage license. We have never required such a determination, and decline to do so now. To the contrary, we have required only a showing by “definite information” of a relationship between the amount of money generated by a licensing statute, and the costs associated with licensing and regulating the activity in question. American Automobile, 136 N.H. at 587. The trial court ruled that “any money generated by RSA 457:29 for use in the [DOVE Fund] is less than the amount of money that the State spends in connection with issuing the license.” We agree. In American Automobile, we examined the amount and type of costs expended on the State’s automobile theft prevention program. Id. at 587. The Bolton affidavit represents precisely the kind of “definite information” that we relied upon in that case.

The plaintiffs also argue that “the Bolton affidavit does not truly set out costs to the State from the issuance of marriage licenses.” The trial court did not make factual findings with regard to the costs outlined in the affidavit, recognizing “that genuine issues of material fact must be resolved at trial.” However, the trial court further stated, “With respect to the State’s estimates of the costs associated with issuing marriage licenses, the petitioners have offered no counteraffidavits, nor even argued that the State’s figures are incorrect.” By doing so, the plaintiffs risked the Bolton affidavit being deemed admitted for purposes of the motion, and we thus affirm the trial court’s reliance upon it. See Carbur’s Inc., 122 N.H. at 423.

With the Bolton affidavit uncontested, the trial court determined that the \$38 charge was not grossly disproportionate to the costs involved. In American Automobile, we held that the expenditures on anti-theft programs were “substantially greater than the . . . fees collected” by the State. American Automobile, 136 N.H. at 587. As the trial court here properly assumed that the facts in the Bolton affidavit were true, the trial court did not err in concluding that the \$38 charge is less than the costs to the State, and, accordingly, that it is not grossly disproportionate to the costs involved in issuing the plaintiffs’ marriage licenses.

The plaintiffs next argue that the legislature improperly directed the charges to the DOVE Fund. We disagree. In American Automobile, we recognized that “dollars are fungible, and we can assume, for the purpose of

evaluating the reasonableness of the certificate of title fees, that local governments allocated all of their revenue-sharing funds to the police departments.” Id. As the charges collected in this case are also dollars, the trial court did not err in ruling that they are fungible and that the legislature may require that those moneys be allocated directly to the DOVE Fund.

The plaintiffs contend that “RSA 457:29 explicitly prohibits the State from using its portion of the marriage license fee as fungible dollars, as the fee must be forwarded in toto to the [DOVE Fund].” The plaintiffs misunderstand the term “fungible.” That dollars are fungible does not mean that we require that they must in fact be mixed with the general fund, and thus be expended for multiple other programs. Rather it means that they are capable of being used for other programs, one of which is the DOVE Fund. That the legislature has mandated that the moneys be paid directly to the DOVE Fund does not make them any less fungible than if it had required that they first be placed into the general fund.

Lastly, the plaintiffs contend that the trial court erred in granting the commissioner’s motion for summary judgment because the charges “imposed by RSA 457:29 [are] not related to the costs of issuing a marriage license.” They argue that the abuse the DOVE Fund seeks to curtail occurs between all family or household members, and not simply married couples. They rely on RSA 173-B:1, X (2002), which defines “family or household member” as:

Spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other but who no longer share the same residence . . . [as well as parents] and other persons related by consanguinity or affinity other than minor children who reside with the defendant.

The commissioner contends that the \$38 charge is related to issuing marriage licenses because, as explained in the Rosenthal affidavit, abuse levels are high among married couples. The plaintiffs respond by stating that domestic abuse extends beyond the realm of marriage, relying on the article by the domestic violence experts submitted in opposition to the Rosenthal affidavit. In essence, they argue that the charge is both over- and underinclusive; namely, it is paid by some individuals who may never take advantage of the DOVE Fund, while at the same time not paid by many people who do benefit from its services.

It is unclear whether the plaintiffs argue that this over- and underinclusiveness makes the \$38 charge: (1) an unconstitutional tax because it “is an enforced contribution to raise revenue and not to reimburse the state for special services,” American Automobile, 136 N.H. at 584 (quotation omitted), which is not applied proportionately to all taxpayers, Starr, 148 N.H.

at 74; or (2) an unreasonable fee because the record-keeping costs described by the Bolton affidavit constitute more than "incidental expenses incurred in consequence of the activity regulated," American Automobile, 136 N.H. at 585 (quotation omitted). Given the following discussion, however, we need not determine whether they would prevail on either argument.

Illinois appears to be the only other jurisdiction to have addressed similar issues. In Boynton v. Kusper, 494 N.E.2d 135 (Ill. 1986), the Illinois Supreme Court examined the constitutionality of a \$10 charge to obtain a marriage license in that State. The Illinois legislature had increased the cost of a marriage license from \$15 to \$25, with the additional \$10 to be directed to the Illinois Domestic Violence Shelter and Service Fund. Boynton, 494 N.E.2d at 136.

The inquiry under the Illinois Constitution to determine whether a charge is a fee or a tax is similar to that under the New Hampshire Constitution. In Illinois, "a charge having no relation to the services rendered, assessed to provide general revenue rather than compensation, is a tax." Id. at 138 (quotation omitted). The Boynton court stated:

The portion of the marriage license fee in question here has no relation to the county clerk's service of issuing, sealing, filing, or recording the marriage license. Its sole purpose is to raise revenue which is deposited in the Domestic Violence Shelter and Service Fund so that the Department of Public Aid can provide domestic-violence shelters and service programs. Thus, . . . this portion of the fee is a tax.

Id. (citations omitted).

Having determined that the \$10 portion was a tax, the court then stated that "the tax has been placed only upon those single people who apply for marriage licenses. Other classes of people equally eligible to receive the benefits of the Domestic Violence Shelters Act are not assessed such a 'fee.'" Id. at 139. The court was concerned that the Illinois Legislature, under the guise of a fee, might place the burden to fund many general-revenue programs upon narrow classes of individuals rather than spreading them among the general public.

Using the same cause-and-effect test that the defendants would have us apply to the relation between marriage and domestic violence, other worthy social problems can be found that are just as closely and reasonably related to marriage as is domestic violence, if not more so. Since all divorces involve people who have been married, why should not a marriage counseling program be

financed by another tax on marriage licenses? Since most marriages produce children, why should we not defray certain educational costs by the imposition of yet another add-on tax to marriage licenses? Why should not such a tax be imposed for the maintenance of institutions for delinquent or neglected children, and why should not yet another tax be imposed to defray juvenile-probation costs? We conclude in this case that the imposition of a tax on the issuance of a marriage license does not bear a reasonable relation to the public interest sought to be protected by the Act in question and the means adopted, that is, the imposition of the tax on marriage licenses, is not a reasonable means of accomplishing the desired objective.

Id. at 140. For these reasons, the Boynton court held that the \$10 portion of the marriage license charge was an arbitrary and irrational use of the State's power, and thus an unconstitutional tax. Id. at 138, 139-40.

While we share some of the concerns of the Illinois Supreme Court, this case is distinguishable from Boynton. In that case, the \$10 portion was in addition to the fees necessary to pay for the State's expenses, and thus the court was required to examine whether the charge was sufficiently related to issuing the marriage licenses. Id. at 136. Here, however, the uncontested Bolton affidavit makes clear that the \$38 charge is less than the State's costs. Accordingly, we need not determine if, as the plaintiffs allege, the \$38 charge constitutes reimbursement for special services, or whether the costs incurred by funding the DOVE Fund are more than incidental expenses related to issuing the licenses.

While we recognize that directing the \$38 charge to the DOVE Fund here is like the \$10 charge in Boynton in that it is both over- and underinclusive, we disagree with the plaintiffs and the Illinois Supreme Court that this aspect necessarily makes it unreasonable, irrational, or arbitrary. Such an inquiry is generally limited to the least-restrictive-means analyses of higher levels of constitutional review. See, e.g., City of Dover v. Imperial Cas. & Indemn. Co., 133 N.H. 109, 126 (1990) (Souter, J., dissenting) (discussing over- and underinclusive nature of statute in applying intermediate scrutiny); Chen v. Ashcroft, 381 F.3d 221, 227 (3d Cir. 2004) ("Of course, this use of marital status as a proxy is undoubtedly both over- and under-inclusive to some extent, but neither over- nor under-inclusiveness is alone sufficient to render the use of a metric like marital status irrational."); Lofton v. Secretary of the Dep't of Children & Family, 358 F.3d 804, 822-23 (11th Cir. 2004) ("The Supreme Court repeatedly has instructed that neither the fact that a classification may be overinclusive or underinclusive nor the fact that a generalization underlying a classification is subject to exceptions renders the classification irrational."), cert. denied, 543 U.S. 1081 (2005). We recognize



that there may be statutes that are so extremely over- or underinclusive as to make them unreasonable, irrational, or arbitrary. However, because we do not reach the issues of whether the DOVE Fund constitutes special services or whether the \$38 charge constitutes more than incidental expenses to the State, we need not decide whether this is such a case.

Accordingly, we hold that the trial court properly ruled that the \$38 charge was a fee, not a tax, because the uncontested evidence demonstrated that the charges bore a reasonable relationship to, and approximated the expenses of, issuing the plaintiffs' marriage licenses. See Gordon, 107 N.H. at 211. We thus affirm the trial court's granting of the commissioner's motion for summary judgment.

### III

We next address whether the trial court erred in denying the plaintiffs' motion for summary judgment. It is here that the plaintiffs argue that RSA 457:29 "violates equal protection rights under" Part I, Article 12 and Part II, Article 5 of the State Constitution, as well as violates their fundamental right to marriage. We can find no indication in the record that these arguments were pled. Nor have we been provided a transcript to review whether they were raised during a hearing before the trial court. However, because both arguments were noted by the trial court in its order, we will assume that they were preserved.

We agree with the trial court that the precise nature of the plaintiffs' arguments relating to equal protection and marriage as a fundamental right are not clear. As the trial court stated, "It appears that [the plaintiffs] make their equal protection arguments with respect to taxpayers, taxes, and uniform taxation. Because the Court already has determined, as a threshold matter, that the license charge is a fee — not a tax — the Court does not reach these constitutional arguments." For these same reasons, we do not reach the plaintiffs' claims relating to marriage as a fundamental right and equal protection. Nor do we address the remainder of the plaintiffs' arguments on appeal — namely, whether RSA 457:29 is ambiguous, whether it constitutes double taxation, whether they are entitled to seek a refund under a common law refund theory, and whether they are entitled to equitable relief — all of which were argued on the premise that the \$38 charge was a tax, not a fee.

Affirmed.

DUGGAN, GALWAY and HICKS, JJ., concurred.

**HB 627-FN, relative to registering to vote. INEXPEDIENT TO LEGISLATE.**

Rep. Barbara J. Griffin for Election Law. Currently, New Hampshire is exempt from some of the provisions of the National Voter Registration Act (NHRA) because we are among the states that register voters on election day. This bill proposes to eliminate election day registration which would trigger the NHRA requirement for a number of state agencies to register voters. The cost of this change is reported to be indeterminable, but sweeping in scope and deemed "significant." The current process of same day registration is part of our state system that results in voter participation rates that are higher than other states. Given the financial consequences and voter participation rates, the committee believed this bill was inappropriate. **Vote 16-0.**

**HB 649-FN, relative to campaign contributions. INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Luther for Election Law. RSA 664 regulates political expenditures and contributions; and codifies the reporting requirements. HB 649 would further regulate the contributions made by individuals who are not residents of New Hampshire to \$250 and require the fiscal agent of a candidate who receives a contribution from any out-of-state source in the last week prior to the primary or general election to report it to the secretary of state within 48 hours of receipt. The committee believes that limiting the contributions of individuals who are not New Hampshire residents to \$250 is unjust and the change to the reporting requirement unneeded. **Vote 16-0.**

**HB 652-FN, relative to undeclared voters. INEXPEDIENT TO LEGISLATE.**

Rep. Duane R. Brown for Election Law. Current law allows undeclared voters to declare as a registered voter with party affiliation prior to voting in a primary election and return to undeclared status after voting. This bill allows undeclared voters to vote in any party primary without declaring party affiliation. Voting in a party primary should be for members of that party. The current system is appropriate and should not be changed. **Vote 18-0.**

**HB 665-FN, relative to nomination papers. INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F. Souza for Election Law. This bill would change the number of nominations to get on the ballot. The committee felt the number was so drastically reduced that as few as 4 or 5 nominations were all that be required for some races. In addition, this bill would allow non-defined volunteer service to substitute for signatures. The committee saw many problems and ambiguities with this. **Vote 15-1.**

**FINANCE****HB 412, relative to reporting of corrective action implementation of audit findings by entities subject to an audit by the legislative budget assistant. INEXPEDIENT TO LEGISLATE.**

Rep. David J. Danielson for Finance. This bill requires an agency audited by the Legislative Budget Assistant to report its progress on remedying those corrective actions noted in the audit. The issue the committee recognized is that there is no provision for follow-up actions regarding the implementation of those required actions; the bill merely required a report. After consultation with agencies about next steps to ensure audit findings are corrected as needed, it was observed that the Fiscal Committee, which hears reports on all audits, could, if it wished, set specific follow-up deadlines as part of its supervisory responsibilities. **Vote 20-0.**

**HB 534, relative to the duties of the housing finance authority. OUGHT TO PASS.**

Rep. Timothy L. Twombly for Finance. This bill requires the NH Housing Finance Authority to disclose all terms and conditions associated with grants or loans made to municipalities including requirements of a third party, such as a federal agency, which may be providing funds. It also sets November 1 as a deadline for the agency's annual report of operations with a complete certified financial audit of its preceding fiscal year. **Vote 21-0.**

**HB 654-FN-A-L, relative to the distribution of marriage license fees and the funding source for the domestic violence grant program. INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for Finance. This bill removes the \$38 of the marriage license fee currently appropriated to fund domestic violence programs and adds this money to the general fund. The bill establishes a new dedicated fund which would be authorized to accept gifts, grants and donations to fund domestic violence. During testimony, the committee learned that 50% of murders and 92% of murder-suicides in New Hampshire involve domestic violence. The committee believes the bill's proposed funding mechanism is less stable than the current funding mechanism for these important programs and would leave vulnerable victims of domestic violence less protected. In addition to the Finance Committee looking at the domestic violence funding during the budget process, there is also a bill before the legislature to examine all dedicated funds. **Vote 23-1.**

**HB 678-FN, requiring an evaluation of vendor performance on certain state contracts. INEXPEDIENT TO LEGISLATE.**

Rep. J. Tracy Emerick for Finance. While well intended, this bill is insufficiently complete to accomplish the desired results. The posting of evaluations on the internet is not well advised due to the potential for lawsuits by poorly rated vendors. Another bill, the result of a study committee, with the same evaluation topic is in process. The bill also required additional staff with no appropriation in the bill. **Vote 24-0.**

HB 654-FN-A-LOCAL - AS INTRODUCED

2015 SESSION

15-0575  
05/03

HOUSE BILL            ***654-FN-A-LOCAL***

AN ACT                relative to the distribution of marriage license fees and the funding source for the domestic violence grant program.

SPONSORS:            Rep. Bickford, Straf 3

COMMITTEE:           Finance

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ANALYSIS

This bill provides that a portion of marriage license fees shall be deposited in the general fund rather than the fund for domestic violence grant programs. The bill also revises the funding source for the domestic violence grant program.

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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 Fifteen*

AN ACT relative to the distribution of marriage license fees and the funding source for the domestic violence grant program.

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

- 1       1 Marriage License Fee. Amend RSA 457:29 to read as follows:  
2       457:29 Marriage License Fee. The fee for the marriage license shall be \$45 to be paid by the  
3 parties entering into the marriage. The clerk shall forward \$38 from each fee to the [~~department of~~  
4 ~~health and human services for the purposes of RSA 173-B:15~~] **treasurer for deposit in the general**  
5 **fund**. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the  
6 certificate of marriage, and forwarding the \$38 portion of the marriage license fee.
- 7       2 Domestic Violence Grant Program. Amend RSA 173-B:15 and 173-B:16 to read as follows:  
8       173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence  
9 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic  
10 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The  
11 state treasurer shall deposit all [~~fees~~] **funds** received by the department under [~~RSA 457:29~~] **RSA**  
12 **173-B:16** in the fund. All moneys deposited in the fund shall be continually appropriated for the  
13 purposes of the domestic violence grant program and shall not lapse.
- 14       173-B:16 Grant Program Established. A grant program is established within the department for  
15 the allocation of grant money to New Hampshire programs which provide aid and assistance to  
16 victims of domestic violence. [~~The grant program shall be funded by the fund established under RSA~~  
17 ~~173-B:15.~~] **The commissioner is authorized to accept public and private sector funds from**  
18 **any source, including gifts, grants, and donations, for the purpose of funding the grant**  
19 **program. Such funds shall be deposited in the special fund for domestic violence programs**  
20 **established in RSA 173-B:15.**
- 21       3 Dedicated Funds. Amend RSA 6:12, I(b)(12) to read as follows:  
22               (12) Moneys [~~received under RSA 457:29, which shall be credited to~~] **deposited in**  
23 **the special fund for domestic violence programs under RSA 173-B:15**
- 24       4 Effective Date. This act shall take effect July 1, 2015.

**HB 654-FN-LOCAL FISCAL NOTE**

AN ACT                   relative to the distribution of marriage license fees and the funding source for the domestic violence grant program.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistance states this bill, as introduced, will increase state general fund revenue, decrease state restricted revenue, and have an indeterminable fiscal impact on state expenditures in FY 2016 and each year thereafter. There will be no fiscal impact on county or local revenue and expenditures.

**METHODOLOGY:**

The Office of Legislative Budget assistant states under current law \$38 from each marriage license fee is dedicated to the fund for the domestic violence grant program established in RSA 173-B:15. The amount deposited from marriage license fees totaled \$403,772 in FY 2013, and \$197,696 in FY 2014, and has averaged \$307,400 over the past five years. This proposal would deposit these amounts into the state general fund and authorize the commissioner to accept gifts, grants, and donations to fund the domestic violence grants. The amount of gifts, grants, and donations which may be available for program expenditures cannot be projected.

The Department of Health and Human Services states this bill would direct the transfer of \$38 of each marriage license fee from the Department, where it funds the domestic violence grant program, to the state treasurer for deposit into the state general fund. The legislation would also authorize the commissioner to accept public and private funding for the domestic violence grant program. The Department states, since the funds currently pass through the Department, redirection of these amounts will not impact the Department's budget.

The Department of State indicates the Division of Vital Records currently collects a portion of the marriage license fees from city and town clerks and deposits the money into the domestic violence fund administered by the Department of Health and Human Services. The Department states if collection of the fee is handled by the state treasury, the change would reduce some staff time but not enough to impact the number of positions or the budget of the Secretary of State.

# Voting Sheets

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 681-FN-A

**BILL TITLE:** increasing the marriage license fees.

**DATE:** 3/3/15

**LOB ROOM:** 202

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

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

**Motions:** <sup>1</sup>OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Almy

Seconded by Rep. Azarian

Vote: 20-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Gary Azarian, Clerk



HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 681-FN-A

BILL TITLE: increasing the marriage license fees.

DATE: 3-3-15

LOB ROOM: 202

Amendments:

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

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

Moved by Rep.

Seconded by Rep.

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

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

Moved by Rep. Almy

Seconded by Rep. Azarian

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

20-1

CONSENT CALENDAR VOTE:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gary Azarian, Clerk





STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/8/2015 1:46:46 PM  
Roll Call Committee Registers  
Report

2015 SESSION

WAYS AND MEANS

Bill #: 681 Title: \_\_\_\_\_  
PH Date: 3/3/15 Exec Session Date: 3/3/15  
Motion: OTP Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Major, Norman L., Chairman	✓	
Abrami, Patrick F., V Chairman	✓	
Griffin, Mary E.	✓	
Hess, David W.	✓	
Ulery, Jordan G.	✓	
Azarian, Gary S., Clerk	✓	
Nigrello, Robert L.	✓	
McClarren, Donald B	✓	
Ohm, William H.	✓	
Manning, John J. <i>holzel</i>	✓	
Gallagher, Brian S.	✓	
Lachance, Joseph R.	✓	
Leeman, Don E.		✓
Almy, Susan W.	✓	
Shattuck, Gilman C.	✓	
Cooney, Mary R.	✓	
Lovejoy, Patricia T.	✓	
Ames, Richard	✓	
Karrick, David B.	✓	
Henle, Paul J	✓	
Southworth, Thomas L.	✓	
<b>TOTAL VOTE:</b>		

20-1

# Committee Report

**REGULAR CALENDAR**

**March 4, 2015**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on WAYS AND MEANS to which was referred HB681-FN-A,

AN ACT increasing the marriage license fees. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

**Rep. Susan W. Almy**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	WAYS AND MEANS
Bill Number:	HB681-FN-A
Title:	increasing the marriage license fees.
Date:	March 4, 2015
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

Domestic violence fills our jails, kills our citizens, poisons our children's futures, and overburdens our police, courts and emergency responders. New Hampshire's coalition against domestic and sexual violence is the lowest-funded agency of its type in the continental United States, and lost funding further during the recession years. Its mainstay is federal funding, and since at least 1981 the state provided matching money for the federal grants from two sources, the general fund and \$38 of the \$45 marriage license. The general fund money is sorely needed elsewhere; the \$38 was raised from \$33 in 1993. The money goes into a dedicated fund which rarely has a positive balance, and is used to match federal grants at 2:1 and 4:1. About one-third is used in statewide training programs for law enforcement and nurse examiners, and expert interpreters and prevention specialists for the crisis centers. The fourteen member agencies get 43% of their operating budgets from the remaining two-thirds of the federal-state money. These agencies provide temporary shelter for men, women and children fleeing abusers, for adolescent education in establishing healthy families and relationships, for local police and court training and consultations in dealing with victims and abusers for a best outcome. The \$5 increase to the marriage license (after 22 years) will allow them to acquire 2-4 times that money from federal grants, totaling \$135-270,000 annually - possibly enough to return the coalition to the budget level they had in the decade pre-recession. This would allow them to restore vital prevention and crisis services to near the frugal level the state provided at that time.

Vote 20-1.

Original: House Clerk  
Cc: Committee Bill File

Rep. Susan W. Almy  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### WAYS AND MEANS

**HB681-FN-A, increasing the marriage license fees. OUGHT TO PASS.**

Rep. Susan W. Almy for WAYS AND MEANS. Domestic violence fills our jails, kills our citizens, poisons our children's futures, and overburdens our police, courts and emergency responders. New Hampshire's coalition against domestic and sexual violence is the lowest-funded agency of its type in the continental United States, and lost funding further during the recession years. Its mainstay is federal funding, and since at least 1981 the state provided matching money for the federal grants from two sources, the general fund and \$38 of the \$45 marriage license. The general fund money is sorely needed elsewhere; the \$38 was raised from \$33 in 1993. The money goes into a dedicated fund which rarely has a positive balance, and is used to match federal grants at 2:1 and 4:1. About one-third is used in statewide training programs for law enforcement and nurse examiners, and expert interpreters and prevention specialists for the crisis centers. The fourteen member agencies get 43% of their operating budgets from the remaining two-thirds of the federal-state money. These agencies provide temporary shelter for men, women and children fleeing abusers, for adolescent education in establishing healthy families and relationships, for local police and court training and consultations in dealing with victims and abusers for a best outcome. The \$5 increase to the marriage license (after 22 years) will allow them to acquire 2-4 times that money from federal grants, totaling \$135-270,000 annually - possibly enough to return the coalition to the budget level they had in the decade pre-recession. This would allow them to restore vital prevention and crisis services to near the frugal level the state provided at that time. **Vote 20-1.**

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: W&M

BILL NUMBER: HB 681

TITLE: increasing the marriage license fee

DATE: 3/3/15 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
  - OUGHT TO PASS W/ AMENDMENT
  - INEXPEDIENT TO LEGISLATE
  - INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)
- Amendment No. \_\_\_\_\_

STATEMENT OF INTENT:

*see email*

NOT needed  
 but  
 clerk  
 e-mail  
 is from  
 Rep. Almy

COMMITTEE VOTE: 20-1

RESPECTFULLY SUBMITTED

*Susan Almy*

Rep. \_\_\_\_\_

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

For the Committee

*Almy*

## Major, Norman

---

**From:** Norm-Brenda [nlbem@comcast.net]  
**Sent:** Tuesday, March 03, 2015 5:33 PM  
**To:** Major, Norman; 'Norm Major'  
**Subject:** FW: HB681 majority report (will come over now with signed sheets)

---

**From:** Almy, Susan [<mailto:susan.almy@leg.state.nh.us>]  
**Sent:** Tuesday, March 03, 2015 4:11 PM  
**To:** Karwocki, Karen  
**Cc:** Major, Norman; Almy, Susan  
**Subject:** HB681 majority report (will come over now with signed sheets)

RC  
20-1

Domestic violence fills our jails, kills our citizens, poisons our children's futures, and overburdens our police, courts and emergency responders. New Hampshire's coalition against domestic and sexual violence is the lowest-funded agency of its type in the continental United States, and lost funding further during the recession years. Its mainstay is federal funding, and since at least 1981 the state provided matching money for the federal grants from two sources, the general fund and \$38 of the \$45 marriage license. The general fund money is sorely needed elsewhere; the \$38 was raised from \$33 in 1993. The money goes into a dedicated fund which rarely has a positive balance, and is used to match federal grants at 2:1 and 4:1. About one-third is used in statewide training programs for law enforcement and nurse examiners, and expert interpreters and prevention specialists for the crisis centers. The fourteen member agencies get 43% of their operating budgets from the remaining two-thirds of the federal-state money. These agencies provide temporary shelter for men, women and children fleeing abusers, for adolescent education in establishing healthy families and relationships, for local police and court training and consultations in dealing with victims and abusers for a best outcome. The \$5 increase to the marriage license (after 22 years) will allow them to acquire 2-4 times that money from federal grants, totaling \$135-270,000 annually - possibly enough to return the coalition to the budget level they had in the decade pre-recession. This would allow them to restore vital prevention and crisis services to near the frugal level the state provided at that time.

*NJ Major*



HB 681 - increasing the marriage license fees.

OTP  
RC 20-1

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Rep. Susan Almy for the Committee  
Ways & Means