

SB 89 - AS AMENDED BY THE SENATE

03/16/2023 0825s

2023 SESSION

23-1011

02/04

SENATE BILL **89**

AN ACT Relative to accommodations for non-discriminatory reasons marriage licenses.

SPONSOR: Sen. Birdsell, Dist. 19

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill requires city or town clerk to accommodate parties to a marriage for a non-discriminatory reason if the person has documented medical reasons.

Explanation: Matter added to center line appears *bold italic*.
Matter removed from current law appears in brackets and struck through.
Matter which is in the (a) all new (b) repealed and renumbered appears in regular type.

03/16/2023 0825s 23-1011
02/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT Relative to accommodations for non-discriminatory reasons marriage licenses.

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

- 1 Marriage Registration Form and Proceeding: Marriage Registration. Amend RSA 5-A:42, and RSA 5-A:43, V-a to read as follows:
 Va If either party is unable to appear in person for ~~documented~~ reasons, the city or town clerk shall do so on behalf of the parties by electronic means ~~or electronically~~ with the parties as such other due diligence may be convenient.
- 2 Effective Date. This act shall take effect 60 days after its passage.

Rep. Lynn, Rock. 17
May 2, 2023
2023-1605h
02/05

Amendment to SB 89

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

12

13 1 Marriage Registration For Forms and Procedures; Marriage Registration Against RSA 5 Amend RSA

14 C:42, Wa and read as follows:

15 V-aa. If either party is unable to appear in person for ~~documented~~ medical reasons, the city
16 or town clerk shall ~~try~~ accommodate the parties by signing with the parties at s
17 other location with the city or town may be more convenient.

18 2 Effective Date This Act shall take effect 60 days after its passage.

Amendment to SB 89
- Page 2 -

2023-1605h

~~AMENDED ANALYSIS~~

This bill allows a city or town clerk to accommodate parties unable to appear in person for a marriage license due to documented medical reasons.

CONSENT CALENDAR

May 3, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred SB
89,**

**AN ACT relative to accommodation for medical reasons
in issuing marriage licenses. Having considered the
same, report the same with the following amendment,
and the recommendation that the bill OUGHT TO PASS
WITH AMENDMENT.**

Rep. Bob Lynn

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	SB 89
Title:	relative to accommodation for medical reasons in issuing marriage licenses.
Date:	May 3, 2023
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2023-1605h

STATEMENT OF INTENT

This bill was requested by municipal clerks. It provides that, in cases where an applicant for a marriage license presents documented medical reasons for his or her inability to come to the town clerk's office, the clerks may accommodate the person by meeting with the person in another convenient location in the city or town. The amendment changed the word 'shall' in the senate version to "may," thus giving the clerks discretion to grant or deny the request for an accommodation based on the particular circumstances. The amendment also removed a provision that would have allowed the clerk to meet with the person electronically because the committee was concerned that allowing a non-personal meeting could make it easier for someone to perpetrate fraud or be coerced into obtaining a marriage license.

Vote 20-0.

Rep. Bob Lynn
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

SB 89, relative to accommodation for medical reasons in issuing marriage licenses. **OUGHT TO PASS WITH AMENDMENT.**

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CONSENT CALENDAR

May 3, 2023

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HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 89

BILL TITLE: relative to accommodation for medical reasons in issuing marriage licenses.

DATE: April 12, 2023

LOB ROOM: 206-208 **Time Public Hearing Called to Order:** 11:00 a.m.

Time Adjourned: 11:20 a.m.

Committee Members: Reps. Lynn, Wallace, Kuttab, Alexander Jr., Testerman, Stapleton, Tripp, K. Perez, M. Smith, Horrigan, DiLorenzo, Devine, Lanza and Manos

Bill Sponsors:
Sen. Birdsell

TESTIMONY

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

1. Grant Bosse, for Sen Gannon Sponsor, Supports

- This bill seeks to clarify that a judge filing a financial disclosure form satisfies the requirement of filing a statement of interest under rule 3.15

- Rep Alexander asked if any info isn't included on the other form.

Mr Bosse isn't sure, but he will check.

2. Attorney Richard Head, Supports - Confusing which form needs to be filed. This language is the same as what applies to the legislative branch.

- With regards to if anything is missing, the form is more comprehensive than the 15A disclosure form.

- Rep. M. Smith asked if it would make more sense if the legislature used the 15A form instead of the financial disclosure form.

- Atty Head said the content of the form isn't regulated in the legislation.

- Rep. Wallace asked since the Legislators have a potential misdemeanor if they fail to submit, would the judicial branch also be subject to that.

- Atty Head said no, this is just changing the form, and it is required under judicial conduct rules, so it wouldn't be changing any penalty.

- Rep. Manos said she wasn't able to find where the 15A form was required by the judiciary.

- Atty Head said he agrees it's not clear.

-Respectfully Submitted, Rep. Katelyn Kuttab, Cler

House Remote Testify

Judiciary Committee Testify List for Bill SB89 on 2023-04-12

Support: 2 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Healey, Daniel	Nashua, NH healeyd@nashuanh.gov	An Elected Official	New Hampshire City & Town Clerk's Association	Support	No	No	4/12/2023 9:10 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	4/12/2023 11:01 AM

Daniel Healey

The NH City and Town Clerk's Association is in support of this bill with the amendment. We would ask for a minor change to allow a Town or City Clerk designee to also be able to accommodate someone with a medical condition so staff in our offices can also go if needed.

Daniel Richardson

Statute maintenance.



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM
Roll Call Committee Registers
Report

2023 SESSION

Judiciary

Bill #: SB89 Motion: OTPIA AM #: 2023 1605h Exec Session Date: 3 May 23

Members	YEAS	Nays	NV
Lynn, Bob J. Chairman	20		
Wallace, Scott Vice Chairman	1		
Alexander, Joe H.	2		
Andrus, Louise	3		
Testerman, Dave	4		
Stapleton, Walter A.	5		
Tripp, Richard P.	6		
Greeson, Jeffrey	7		
Kuttab, Katelyn Clerk	8		
Perez, Kristine	9		
Smith, Marjorie K.	10		
Horrigan, Timothy O.	11		
DiLorenzo, Charlotte I.	12		
Kenney, Cam E.	13		
Paige, Mark	14		
McBeath, Rebecca Susan Eaton, Daniel	15		
Devine, Shelley	16		
Lanza, Judi	17		
Manos, Zoe R	18		
Turer, Eric S	19		
TOTAL VOTE:	20	0	