

LEGISLATIVE COMMITTEE MINUTES

**SB89**

Bill as  
Introduced

SB 89 - AS INTRODUCED

2023 SESSION

23-1011  
02/04

SENATE BILL

**89**

AN ACT

relative to accommodation for medical reasons in issuing marriage licenses.

SPONSORS:

Sen. Birdsell, Dist 19

COMMITTEE:

Election Law and Municipal Affairs

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ANALYSIS

This bill permits, but does not require, a city or town clerk to accommodate parties unable to appear in person for a marriage license due to medical reasons.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to accommodation for medical reasons in issuing marriage licenses.

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

1 '1 Marriage Registration Forms and Procedures; Marriage License Registration. Amend RSA 5-  
2 C:42, V-a to read as follows:

3 V-a. If either party is unable to appear in person for medical reasons, the city or town clerk  
4 [~~shall~~] **may** accommodate the parties by meeting in person with the parties at such other location  
5 within the city or town as may be convenient.

6 - 2 Effective Date. This act shall take effect 60 days after its passage.

SB 89 - AS AMENDED BY THE SENATE

03/16/2023 0825s

2023 SESSION

23-1011

02/04

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AMENDED ANALYSIS

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

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SB 89 - AS AMENDED BY THE HOUSE

03/16/2023 0825s  
18May2023... 1605h

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SB 89 - VERSION ADOPTED BY BOTH BODIES

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CHAPTER 159  
SB 89 - FINAL VERSION

03/16/2023 0825s  
18May2023... 1605h

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23-1011  
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03/16/2023 0825s  
18May2023... 1605h

23-1011  
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STATE OF NEW HAMPSHIRE

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AN ACT relative to accommodation for medical reasons in issuing marriage licenses.

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

1 159:1 Marriage Registration Forms and Procedures; Marriage License Registration. Amend  
2 RSA 5-C:42, V-a to read as follows:

3 V-a. If either party is unable to appear in person for *documented* medical reasons, the city  
4 or town clerk [~~shall~~] *may* accommodate the parties by meeting in person with the parties at such  
5 other location within the city or town as may be convenient.

159:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 28, 2023  
Effective Date: September 26, 2023

# Amendments

Sen. Murphy, Dist 16  
February 21, 2023  
2023-0630s  
02/05

Amendment to SB 89

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

2

3 1 Marriage Registration Forms and Procedures; Marriage License Registration. Amend RSA 5-  
4 C:42, V-a to read as follows:

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6 or town clerk shall accommodate the parties by meeting in person *or electronically* with the  
7 parties at such other location within the city or town as may be convenient.

8 2 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

2023-0630s

AMENDED ANALYSIS

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

UNAPPROVED

Election Law and Municipal Affairs  
March 7, 2023  
2023-0825s  
02/05

Amendment to SB 89

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

2

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7 parties at such other location within the city or town as may be convenient.

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**Amendment to SB 89**  
**- Page 2 -**

2023-0825s

**AMENDED ANALYSIS**

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

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Election Law and Municipal Affairs**

Sen James Gray, Chair  
Sen Keith Murphy, Vice Chair  
Sen Daryl Abbas, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: February 15, 2023

**HEARINGS**

Tuesday	02/21/2023
(Day)	(Date)
Election Law and Municipal Affairs	Legislative Office Building 103 9:00 a.m.
(Name of Committee)	(Place) (Time)
9:00 a.m. <b>SB 88</b>	relative to the annual dues paid by towns and cities to town officers' associations.
9:15 a.m. <b>SB 89</b>	relative to accommodation for medical reasons in issuing marriage licenses.
9:30 a.m. <b>SB 111-LOCAL</b>	relative to the town council-town manager form of local government.

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 88**

Sen. Birdsell

**SB 89**

Sen. Birdsell

**SB 111-LOCAL**

Sen. Perkins Kwoka

Sen. Gray

Sen. Soucy

Rep. Horrigan

Tricia Melillo 271-3077

James P. Gray  
Chairman

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

SB 89, relative to accommodation for medical reasons in issuing marriage licenses.

**Hearing Date:** February 21, 2023

**Members of the Committee Present:** Senators Gray, Murphy, Soucy and Perkins Kwoka

**Members of the Committee Absent :** Senator Abbas

**Bill Analysis:** This bill permits, but does not require, a city or town clerk to accommodate parties unable to appear in person for a marriage license due to medical reasons.

**Sponsors:**  
Sen. Birdsell

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**Who supports the bill:** Senator Regina Birdsell, Dan Healey, Cindy Kudlik, Joan Dargie

**Who opposes the bill:** Monica Staples

**Summary of testimony presented in support:**

**Senator Regina Birdsell**

- The law that this bill addresses was passed last year.
- In RSA 5C-42 IV-A it states that “ if either party is unable to appear in person for medical reasons, the city or town clerk shall accommodate the parties by meeting in person with the parties at such other location within the city or town as may be convenient.”
- SB 89 changes the wording in that line from shall to may.
- The clerks are willing to be accommodating but do not feel that it should be required.
- Any changes to the process should be decided on a case by case basis.

**Dan Healey – NH City/Town Clerks Association**

- Last year, this law was tacked on to another bill and they did not have a chance to speak to it.
- The town and city clerks try to accommodate all people and have gone to hospitals to issue marriage licenses.
- They do not believe that they should be required to do so.
- The law does not specify the medical reasons and states “a convenient location.”
- There could be an argument over what is considered convenient.
- When they issue a marriage license there is some back and forth review of documents with the couple and they need access to a printer and computer.
- The decision to issue a marriage license at another location should be at the towns discretion.
- The clerks do not believe that they should be mandated to go to someone’s house to issue a marriage license.

- Senator Gray commented that changing it to may would not carry the same weight as shall does and he believes there should be some middle ground. Senator Gray asked if he thinks the initial part of the process could be done by video conference or phone photo as a compromise.
  - Mr. Healy believes the clerks association would be open to something along those lines. They just do not feel they should be mandated to do this and make multiple trips, especially with no specific medical condition or place. If some of that language could be added he thinks that would help.
- Senator Murphy asked how often does this happen.
  - Mr. Healey stated that it is a very rare occurrence. He only did it once in Derry, but they do try to accommodate people.
- Senator Perkins Kwoka asked if they were to add, in line four “accommodate the parties by meeting in person or via electronic means”, would that make the association more comfortable.
  - Mr. Healy replied that he believes that would make a difference but some of the documents have to be originals. He added that maybe if the parties showed the documents to the clerks virtually, they could get the information needed and then when they meet with the parties in person, certify the original.

**Summary of testimony presented in opposition: None**

TJM

Date Hearing Report completed: February 22, 2023

# Speakers



# Senate Remote Testify

## Election Law and Municipal Affairs Committee Testify List for Bill SB89 on 2023 Support: 2    Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Kudlik, Cindy	An Elected Official	Myself	Support
Dargie, Joan	An Elected Official	Myself	Support
Staples, Monica	A Member of the Public	Myself	Oppose



# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee**  
EXECUTIVE SESSION RECORD  
2023 Session

Bill **SB 89**

Hearing date: 2/21/23

Executive Session date: 3/7/23

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Murphy, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Abbas	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Amend # 0630s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Murphy, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Abbas	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Murphy, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Abbas	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. PK

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Tuesday, March 7, 2023

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 89**

AN ACT

relative to accommodation for medical reasons in  
issuing marriage licenses.

Having considered the same, the committee recommends that the Bill

ought to pass with amendment

by a vote of: 5-0

Amendment # 0825s

Senator Rebecca Perkins Kwoka  
For the Committee

This bill, as amended, address concerns from city and town clerks regarding RSA 5C-42 IV-A, passed last year, requiring clerks to meet with parties needing a marriage license, at locations that may be convenient. Language was added that allows the meeting to be in person or electronically. Additionally, the amendment establishes, that the request for accommodation by the party, must be for a documented medical reason.

Tricia Melillo 271-3077

## General Court of New Hampshire - Bill Status System

**Docket of SB89**

Docket Abbreviations

**Bill Title:** relative to accommodation for medical reasons in issuing marriage licenses.**Official Docket of SB89.:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/18/2023	S	<b>Introduced</b> 01/05/2023 and Referred to Election Law and Municipal Affairs; <b>SJ 4</b>
2/15/2023	S	<b>Hearing:</b> 02/21/2023, Room 103, LOB, 09:15 am; <b>SC 11</b>
3/8/2023	S	Committee Report: Ought to Pass with Amendment <b>#2023-0825s</b> , 03/16/2023; Vote 5-0; CC; <b>SC 13</b>
3/16/2023	S	Committee Amendment <b>#2023-0825s</b> , AA, VV; 03/16/2023; <b>SJ 10</b>
3/16/2023	S	<b>Ought to Pass with Amendment</b> 2023-0825s, MA, VV; OT3rdg; 03/16/2023; <b>SJ 10</b>
3/21/2023	H	Introduced (in recess of) 03/16/2023 and referred to Judiciary
3/29/2023	H	Public Hearing: 04/12/2023 11:00 am LOB 206-208
4/11/2023	H	Executive Session: 05/03/2023 09:00 am LOB 206-208
5/10/2023	H	Committee Report: Ought to Pass with Amendment <b>#2023-1605h</b> 05/03/2023 ( <b>Vote 20-0; CC</b> )
5/18/2023	H	Amendment <b>#2023-1605h</b> : AA VV 05/18/2023 <b>HJ 14 P. 7</b>
5/18/2023	H	<b>Ought to Pass with Amendment</b> 2023-1605h: MA VV 05/18/2023 <b>HJ 14 P. 7</b>
6/1/2023	S	Sen. Gray Moved to Concur with the House Amendment, MA, VV; 06/01/2023; <b>SJ 16</b>
6/30/2023	H	Enrolled (in recess of) 06/29/2023 <b>HJ 17 P. 16</b>
6/30/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); <b>SJ 20</b>
8/1/2023	S	Signed by the Governor on 07/28/2023; Chapter 0159; Effective 09/26/2023

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 89

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

N/A Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # 0630s      \_\_\_ - amendment # \_\_\_\_\_

- amendment # 0825s      \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

as amended by the senate

as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Tricia Muello  
Committee Aide

7/26/23  
Date

Senate Clerk's Office AK