

HB 295-FN-A - AS AMENDED BY THE SENATE

05/30/2019 1966s

2019 SESSION

19-0015

05/04

HOUSE BILL

***295-FN-A***

AN ACT establishing a special marriage officiant license and relative to the assignment of temporary justices to the supreme court.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Butler, Carr. 7; Rep. Altschiller, Rock. 19; Rep. DiLorenzo, Rock. 17; Rep. Schultz, Merr. 18; Rep. Frost, Straf. 16; Rep. McConnell, Rock. 11; Rep. Bushway, Rock. 21; Sen. Fuller Clark, Dist 21; Sen. Chandley, Dist 11; Sen. Hennessey, Dist 5; Sen. Carson, Dist 14

COMMITTEE: Judiciary

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AMENDED ANALYSIS

This bill establishes a special marriage officiant license which temporarily authorizes an individual to solemnize a marriage. A portion of the license fee shall be deposited in the fund for domestic violence programs. The bill also permits a retired supreme court justice who is under the age of 75 to serve as a temporary justice on the court.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a special marriage officiant license and relative to the assignment of temporary justices to the supreme court.

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

1 1 New Section; Solemnization of Marriage; Special Marriage Officiant License. Amend RSA  
2 457 by inserting after section 32-a the following new section:

3 457:32-b Special Marriage Officiant License.

4 I. The secretary of state may issue a special marriage officiant license to temporarily  
5 authorize an individual to solemnize a marriage in this state. Any individual who applies for a  
6 special marriage officiant license shall register with the secretary of state, complete the registration  
7 form prescribed by the secretary of state, and submit an \$85 fee to the department of state. The  
8 secretary of state shall forward \$80 of the fee to the department of health and human services for  
9 deposit in the fund for domestic violence programs, established in RSA 173-B:15, and shall retain  
10 the remainder of the fee for administrative costs associated with issuance of the license.

11 II. Upon registration as a special marriage officiant, the individual shall be authorized to  
12 solemnize only the civil marriage designated on the registration form and shall receive proof of such  
13 authority from the secretary of state. The individual's authority to solemnize the marriage shall  
14 expire at the same time as the corresponding license.

15 2 Disqualification; Temporary Justices. Amend RSA 490:3, II to read as follows:

16 II. Upon the retirement, disqualification, or inability to sit of any justice of the supreme  
17 court, the chief justice, or **if necessary, the** senior associate justice of the supreme court may assign  
18 a **retired** justice of the supreme court who ~~[has retired from regular active service]~~ **is under the**  
19 **age of 75** or, if a retired supreme court justice is ~~[unavailable]~~ **unable or willing**, shall assign a  
20 justice of the superior court who has retired from regular active service to sit during supreme court  
21 sessions while the vacancy continues. The selection of a retired supreme or superior court justice  
22 shall be on a random basis. However if no retired supreme or superior court justice is available,  
23 then the selection of a replacement justice shall be made on a random basis from a pool of full-time  
24 justices of the superior court. In the event that no superior court justices are available, then the  
25 selection of a replacement justice shall be made on a random basis from a pool of full-time justices of  
26 the district and probate courts. The clerk of the supreme court shall maintain a list of superior,  
27 probate, and district court judges who are willing to serve as temporary supreme court judges.

28 3 Effective Date.

29 I. Section 1 of this act shall take effect 60 days after its passage.

30 II. The remainder of this act shall take effect upon its passage.

**HB 295-FN-A- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2019-1966s)

AN ACT                      establishing a special marriage officiant license and relative to the assignment of temporary justices to the supreme court.

**FISCAL IMPACT:**    ☒ State                      ☐ County                      ☐ Local                      ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Approximately \$59,000+	Approximately \$59,000+	Approximately \$59,000+	Approximately \$59,000+
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Special fund for domestic violence programs (RSA 173-B:15)			

**METHODOLOGY:**

This bill would authorize the Secretary of State to issue a special marriage officiant license to temporarily authorize an individual to solemnize a marriage in this state. The legislation requires completion of a registration form and submission of an \$85 fee, \$80 which is to be forwarded to the Department of Health and Human Services for deposit in the fund for domestic violence programs established in RSA 173-B:15, and \$5 to be retained by the Secretary of State for administrative costs associated with the issuance of the license. The bill also permits a retired supreme court justice who is under the age of 75 to serve as a temporary justice of the court.

The Department of Health and Human Services states the number of licenses that would be requested is unknown. No additional staff would be needed to forward the funds for deposit in the fund for domestic violence programs but the task would require a re-allocation of existing staff time for this purpose within the current budget.

The Secretary of State's Office assumes that the individuals obtaining the proposed license would be the same ones who obtain on-line ordained minister credentials to qualify for the special marriage solemnization license issued to ordained ministers. The fee for that license is \$25. It is estimated that 985 individuals apply for the existing license annually, generating approximately \$24,625 per year (985 x \$25). This revenue currently goes to the general fund. The Secretary of State assumes under the bill, the same number of applicants (985) will now pay \$85 and will generate \$83,725 (985 x \$85 = \$83,725). Of this amount, \$78,800 (985 x \$80 =

\$78,800) would go to the domestic violence fund. The Secretary of State assumes \$4,925 (985 x \$5 = \$4,925) would be retained by the Secretary of State for deposit into the general fund.

	<b>Type of License</b>			
	<b>Ordained Minister</b>		<b>Proposed Marriage</b>	
	<b><u>Online</u></b>		<b><u>Officiant</u></b>	
<b>License Fee</b>	<b>\$25</b>		<b>\$85</b>	
<b>Estimated Annual Number of Applicants</b>	<b>985</b>		<b>985</b>	
<b>Annual Revenue to General Fund</b>	<b>\$24,625</b>		<b>\$4,925</b>	
<b>Annual Revenue to Domestic Violence Fund</b>	<b>\$0</b>		<b>\$78,800</b>	
<b>Total Annual Revenue</b>	<b>\$24,625</b>		<b>\$83,725</b>	

<b>Total Projected Annual Revenue</b>	<b>\$83,725</b>
<b>Less Current Total Annual Revenue</b>	<b>\$24,625</b>
<b>Net Projected Annual Revenue</b>	<b>\$59,100</b>

**AGENCIES CONTACTED:**

Department of State and Department of Health and Human Services