

HB 1644-FN - AS INTRODUCED

2020 SESSION

20-2106

05/06

HOUSE BILL ***1644-FN***

AN ACT relative to information required on marriage licenses.

SPONSORS: Rep. Vann, Hills. 24; Rep. Frost, Straf. 16; Rep. Conley, Straf. 13; Rep. Josephson, Graf. 11

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill prohibits a state, county, or municipal agency from requiring that an individual disclose the individual's race or religion on an agency form, application, or other document.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to information required on marriage licenses.

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

1 1 New Chapter; Government Forms. Amend RSA by inserting after chapter 18 the following
2 new chapter:

3 CHAPTER 18-A

4 GOVERNMENT FORMS

5 18-A:1 Government Forms; Disclosure of Race or Religion Not Required. No state, county, or
6 municipal agency or political subdivision thereof shall require an individual to disclose the
7 individual's race or religion on any agency form, application, or other document. The disclosure of
8 such information by an individual shall be strictly voluntary.

9 2 Notice of Adoption; Reference to Race Removed. Amend RSA 5-C:31, I-V to read as follows:

10 I. The child's information taken from a certified copy of the adoptee's original birth record,
11 including the name of the child; the child's date and place of birth; the child's sex; ~~the child's race;~~
12 and the child's ancestry.

13 II. Facts about the child's birth, including:

14 (a) Whether there are siblings in substitute care, indicated as yes or no.

15 (b) Whether there are members of the sibling group adopted together, indicated as yes or
16 no.

17 (c) Whether the child had a previous adoptive placement, indicated as yes or no.

18 (d) Whether the child is considered by the court to have special needs, such as a
19 developmental or intellectual disability, learning disabilities, or a medical condition, indicated as yes
20 or no.

21 (e) The date of adoptive placement.

22 (f) Sponsorship of adoption indicated as public, private or tribal, agency, independent
23 person or other.

24 (g) Location of any sponsor of the adoption.

25 III. The natural father's information, including his full name if stated on the original birth
26 record; his date of birth; his ~~race and~~ ancestry; his marital status; and whether his parental rights
27 were terminated.

28 IV. The birth mother's information, including her full maiden name; her date of birth; her
29 ~~race and~~ ancestry; her marital status at birth of child; and whether her parental rights were
30 terminated.

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1 V. Information from both adoptive parents, if a couple is adopting, or one parent in the case
2 where one parent is adopting, including his or her full name; date and state of birth; ~~[race and]~~
3 ancestry; marital status; residence at the time of the child's birth; and any prior relationship with
4 the child.

5 3 Marriage Registration Form. Amend RSA 5-C:41, III to read as follows:

6 III. The clerk of the town or city shall complete the following statistical and legal
7 information on the marriage application worksheet for both the bride and groom with information
8 supplied by the bride and groom: the number which represents of the currently intended marriage;
9 if previously married, whether a civil annulment occurred or the marriage ended by death or divorce;
10 the date of civil annulment or that the last marriage ended; their ~~[race and]~~ ancestry; their level of
11 education; any waivers presented by the groom or the bride, either for time or age pursuant to RSA
12 457:4 through RSA 457:9 or RSA 457:26 and RSA 457:27; whether proof of age of the bride and
13 groom was demonstrated using identification with photograph; if applicable, the divorce decree; and,
14 if applicable, the death record of the former spouse.

15 4 Death Registration Form. Amend RSA 5-C:62, II(o) to read as follows:

16 (o) The decedent's ancestry ~~[and race]~~, educational level, and the father's full name and
17 the mother's full maiden name.

18 5 Fetal Death Report. Amend RSA 5-C:75, VII to read as follows:

19 VII. Information regarding the mother including her: full name, maiden surname, date of
20 birth, residence, ~~[race,~~ ancestry, education, occupation, and social security number.

21 6 Effective Date. This act shall take effect 60 days after its passage.

HB 1644-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to information required on marriage licenses.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Federal Funds Multiple Program Areas			

METHODOLOGY:

This bill prohibits state, county and municipal agencies from requiring an individual to disclose the individual's race or religion on any agency form, application or other document. Such disclosure shall be strictly voluntary. The bill also modifies references to race in birth, marriage and death records.

The proposed legislation would impact the Department of Health and Human Services' ability to remain compliant with federal reporting which would jeopardize current and future funding opportunities. Impacts are anticipated to include costs for design, development and implementation (DDI) of changes to systems within Behavioral Health, Long Term Support Services, and the Medicaid Management Information System as well as impact the Department's compliance with Federal funding partners for Behavioral Health and Long Term Support Services. The DDI costs are estimated to be \$200,000 with a timeline to implement the changes of six months. The impact to federal funding associated with compliance to reporting requirements would likely result in a decrease exceeding \$7,000,000.

The Behavioral Health Web Information Technology System is currently configured to require the "race" field in compliance with the Substance Abuse and Mental Health Block Grants reporting requirements associated with the last award to the Department for \$7,000,000. Department reports this information to Substance Abuse and Mental Health Services Administration (SAMHSA) a branch of the US Department of Health and Human Services (USDHHS) in compliance with the reporting requirements for the block grant. This system is

designed with the functionality to modify this requirement as needed and thus will not require additional funds to make the change. However, if the State fails to remain compliant with the required reporting to our federal partners, the Department could lose the federal grant funds for \$7,000,000.

The Department's Division of Long Term Support Services (Division) employs two IT systems – Special Medicaid Services (SMS) and Partners in Health that collect race data as a mandatory field in conjunction with the federal funding and reporting guidelines. These two systems would need to be modified based on this proposed legislation. The DDI costs associated with this change to these two systems is estimated at \$20,000 and requiring two months to complete. Based on the effective date of the proposed legislation, the timeline to be compliant may not be met. The Division also depends on Federal funding from Administration for Community Living (ACL) a branch of the USDHHS. ACL in association with grant funds requires the Department to file reports including collection of data to include race to be compliant with the grant awards. Non-compliance with these reporting requirements could jeopardize current and future funding for these programs and services.

The Medicaid Management Information System would require extensive changes to make this change based on its integrations and interfaces with other systems. The estimated costs to complete the DDI are approximately \$180,000 and the timeline to implement the necessary changes would exceed two months based on planning, procurement, and testing requirements.

The Affordable Care Act Section 4302 (ACA) mandates identifying, collecting and evaluating health disparities data under Medicaid and Children's Health Insurance Program (CHIP) on the basis of race, ethnicity, sex, primary language and disability status. The Department was required to change the race and ethnicity categories for its systems to comply with the ACA.

The University System of New Hampshire indicates it is not an agency of the state, so it is not subject to the bill's provisions. However, the University System, Community College System, Department of Safety, New Hampshire Municipal Association and New Hampshire Association of Counties all replied that they do not require such information now, so there is no fiscal impact.

The Department of State indicates any expenditures related to changing forms would be absorbed within its existing budget.

The Department of Administrative Services states there may be a cost to regenerate forms utilizing such information.

The Department of Education states that the Bureau of Educator Credentialing currently requests that an individual disclose his or her race but such disclosure is not required. There are no questions on any forms relating to an individual's religion. The Department does not anticipate any fiscal impact as a result of this bill, however the Department is required to collect and report race as a subgroup for various federal education programs and is unsure of any ramifications of failing to report this information.

AGENCIES CONTACTED:

Departments of Health and Human Services, Administrative Services, State, Education, and Safety, New Hampshire Association of Counties, New Hampshire Municipal Association, Community College System of New Hampshire and University System of New Hampshire