

NEW HAMPSHIRE GENERAL COURT
OFFICE OF LEGISLATIVE SERVICES



STATE HOUSE ROOM 109

NOVEMBER 2024

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GENERAL INFORMATION

The Office of Legislative Services (OLS) is a nonpartisan agency serving both the New Hampshire House of Representatives and Senate in accordance with the provisions of RSA 17-A. To contact the divisions and staff of Legislative Services, either call the appropriate phone numbers or come to the rooms listed below. The OLS office is located in Rooms 109-112 in the State House on the west side of the first floor. The Administrative Rules office is located in Room 220 of the State House Annex. Regular session hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday. In addition, the office is open and staffed as late as the Senate or House is in session. Off session hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday.

Legislative Services provides four major services to legislators:



Legal Services State House Room 109
(603)271-3435 or OLSLegal@leg.state.nh.us

Bill drafting
Amendments
Resolutions
Counsel on legislative matters



Research State House Room 112
(603)271-3326 or OLSRsearch@leg.state.nh.us

Background information relating to legislation
Laws and legislation from other states
Legislative histories



Administrative Rules State House Annex, Room 220
(603)271-3680 or AdminRules@leg.state.nh.us

Repository for rules proposed and adopted by state agencies under RSA 541 A, the Administrative Procedure Act
Staff support for Joint Legislative Committee on Administrative Rules
Rulemaking Register and Rulemaking Manual



Administration and Support State House Room 109
(603)271-3435 or OLSLegal@leg.state.nh.us

Initial contact for anyone trying to reach any staff member
or division of Legislative Services

Records management and document preparation

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INTRODUCTION TO THE OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) was established by the General Court in 1963 pursuant to RSA 17-A to provide unbiased and nonpartisan professional bill drafting, research, and administrative rules assistance to the General Court. Whether you want a bill or amendment drafted or would like research related to your work as a legislator, you can contact OLS and briefly describe what you would like to do. You will be referred to the appropriate staff person. This person may be able to answer your question directly or may be able to show you a relevant statute, refer you to a person with the information you need, or simply help you formulate your ideas.

We enjoy meeting you and learning about your concerns. While we are able to inform you about New Hampshire laws, agency rules and procedures and the like, we cannot provide personal legal advice. Furthermore, if you have a question about a procedural issue, you should first consult the rules of your house of the legislature. Since each house governs its own procedures, we can only give an educated guess regarding some procedural issues. The clerk of each house can advise you in these areas.

This handbook is designed to help you use the services of OLS more effectively. We've included suggestions about how to request a draft, research a legislative issue, and read a bill and an amendment. We also discuss our role in support of legislative oversight of executive branch rulemaking. We feel confident that an understanding of our operations will help you get the most from our services.

LEGAL SERVICES

All bills and amendments, and any resolutions concerning policy matters, introduced by the General Court must be drafted by OLS. Preparation by OLS ensures that all enacted legislation is in proper form and that a legislative attorney scrutinizes the substantive and technical aspects of each proposal. Each attorney employed in the Legal Services Division specializes in several subject areas. In addition, each attorney is trained in legislative drafting, so that he or she can organize ideas quickly and effectively, write clearly, and recognize how laws and practices may affect particular proposals.

Confidentiality

For House members, OLS keeps all records of any drafting request confidential, except the number and title of the request, and the names of the sponsors. Senate members may request confidentiality both with respect to the title and content of their requests. Unless authorized by the requester or sponsor, all other information about a drafting request is available only to the sponsors of the request until it is introduced in the General Court. Therefore, without the requester's or sponsor's permission, we may not show that draft to any unauthorized person.

You may desire to waive confidentiality entirely or with respect to certain persons or organizations. Consultation by the drafting attorney with a person possessing expertise relating to the specific subject of the drafting request will often expedite the drafting process and improve the quality of the final draft. However, we suggest that you clearly express any limitations on a waiver of confidentiality to the drafting attorney when the request is taken.

Bills and Legal Advice

The office's legal drafting work varies depending on the scope of the proposal, the extent to which the statutes already treat the subject, and the complexity of the legal problems involved. All drafting requests demand a thorough review, regardless of the form in which the instructions are submitted. Existing statutes must be examined. If one or more statutes pertain to a subject, the legislative attorney may have to amend or repeal some of them. If no statute exists, the legislative attorney must create one or more provisions that fit into the entire body of statutes. Conformity with overriding provisions of the state and federal constitutions, federal laws and regulations, and court cases that interpret these provisions is essential.

The legislative attorney may discuss legal issues or provide a memorandum to explain problems or issues of which the requester may not be aware, to pinpoint any difficulty that might prevent achieving the requester's intent or otherwise impair the operation of the proposal, or to provide additional information relating to the proposal.

Bill Analysis

All bills and resolutions contain an objective analysis. The analysis is written by the same attorney who drafts the bill, and is designed to explain the effect of the proposal in clear and concise terms understandable to the lay person.

The analysis is submitted to the requester at the same time the bill draft is submitted. The requester should read the analysis prior to introduction to determine whether or not the draft actually accomplishes the requester's intent.

The analysis is written for the information of all 424 members of the General Court and for the information of everyone else who is interested in a proposal. Thus, the analysis must be factual, impartial, and complete; it is not the purpose of the analysis to advocate the passage of the proposal.

Amendments

In addition to original bills, the Legal Services Division also prepares amendments. Frequently, the need for amendments becomes evident after a proposal has been thoroughly aired at a public hearing. The rules of the General Court require all amendments to be reviewed by OLS. Requests for amendments should be made in advance so that each amendment can be prepared in proper form before it is submitted to a vote. OLS gives high priority to amendment requests, especially when a proposal is on the current calendar. Amendments are almost always drafted by the same attorney who prepared the original bill. Requests for amendments should be transmitted to this person whenever possible.

Fiscal Notes

Every bill making an appropriation or otherwise increasing or decreasing fiscal liability or revenues must carry a reliable estimate, called a "fiscal note," setting forth its fiscal effect on state or local governments. There are certain exceptions to this rule, which are listed in RSA 14:44, the fiscal note law. The fiscal estimate must be attached to the proposal before it is introduced. Therefore, when the proposal is drafted, Legislative Services must make a tentative decision on whether the proposal requires a fiscal note.

If the answer is "yes," the draft is sent through the Legislative Budget Assistant (LBA) to the agency or public subdivision administering the program concerned or any reliable source of data having knowledge of the subject of the proposal. From that information, LBA determines what the revenues or costs will be. If a member has a question about the contents of a bill's fiscal note, LBA should be consulted. LBA will also update the fiscal note as necessary when a bill is amended.

ADMINISTRATIVE RULES

Information About State Agency Rules

Much of the law of the state is contained in rules adopted by more than 120 state agencies pursuant to rulemaking authority granted by the Legislature in selected areas. By granting rulemaking authority the Legislature in effect delegates its lawmaking power to agencies in these areas considered too specific or detailed to control by statute or session law. The rules regulate a broad range of activities undertaken by citizens, businesses, and political subdivisions, from hunting and fishing seasons to how state taxes are levied, and from auto safety inspections and waste disposal to special education and school approval standards. Rules are broadly defined by RSA 541-A, the Administrative Procedure Act, to include virtually any regulation, standard, or requirement, including requirements on agency forms, imposed by the state upon the public in general and that is not in a statute or session law.

Joint Legislative Committee on Administrative Rules

In 1983, the legislature created the Joint Legislative Committee on Administrative Rules (JLCAR) to provide legislative oversight in this area. OLS provides both legal and clerical support to JLCAR and reviews all proposed agency rules. The Administrative Rules office advises JLCAR as to potential problem areas. The Administrative Rules office also prepares and provides comments on the proposed rules to the agency involved, so that some or all problem areas can be cleared up before the final proposal is submitted for JLCAR review.

The JLCAR meets at least monthly year-round, and more often as necessary, to review proposed interim rules, final proposals for regular rules, proposed expedited repeals, and proposed expedited revisions to agency forms, before the rules are actually adopted. The JLCAR may also hold a special public hearing on any proposed or adopted rule. The JLCAR may approve or sometimes conditionally approve, a proposed rule or object to it on certain grounds established by RSA 541-A. JLCAR approval is not required except for a proposed interim rule or a proposed expedited repeal. Agencies may amend a proposed rule in response to most objections and still seek JLCAR approval, or the agency may withdraw the rule.

The agency may not adopt a regular rule, or a proposed expedited revision to an agency form, after responding to an objection until the JLCAR has had an opportunity to examine the response and decide whether to approve the rule, make a final objection, or vote to support the introduction of a joint resolution. A final objection is not a veto nor does it delay adoption of the rule, but it does shift the burden of proof to the agency in a court challenge on the lawfulness of the rule. A vote on a joint resolution does not veto the rule but delays its adoption for a limited time in order for the legislature to consider the joint resolution as a piece of legislation. If enacted, the joint resolution may permanently prevent the adoption.

Rulemaking Register

Pursuant to RSA 541-A:9, the Administrative Rules office produces a weekly publication called the New Hampshire Rulemaking Register, which contains rulemaking notices of proposed rules including the agency's public hearing dates, notices of adopted rules, and declaratory rulings. Legislators may view the Register on the Administrative Rules website at www.gencourt.state.nh.us/rules/default.htm.

Drafting and Procedure Manual for Administrative Rules

Pursuant to RSA 541-A:8, the Administrative Rules office also publishes the New Hampshire Drafting and Procedure Manual for Administrative Rules. It guides agencies through the rulemaking process, contains the required format for numbering and drafting rules and the necessary rulemaking forms, and includes copies of RSA 541-A and the rules of the JLCAR. Although this Manual is designed for agency use, a copy of the Manual is available online at www.gencourt.state.nh.us/rules/.

Unless specifically excepted by statute, agency rules must be adopted according to a rulemaking process contained in RSA 541-A with oversight by the Joint Legislative Committee on Administrative Rules (JLCAR). No rule is valid or effective, nor may it be imposed by the state upon anyone, unless the process is followed. There are 5 types of rules:

1. Regular rules adopted after a formal public comment and agency hearing process with JLCAR review. Most of these rules are effective for 10 years.
2. Interim rules, adopted only with JLCAR review and approval and effective for 180 days. There are limited circumstances that allow for an interim rule, which can be found in RSA 541-A:19.
3. Emergency rules, which can only be adopted if there is imminent peril to public health or safety or if substantial fiscal harm could occur to the state or its citizens unless rules were adopted with less notice than required for regular rules. These receive no public or JLCAR review, and are effective for only 180 days.
4. Expedited repeals, adopted after an agency public comment and hearing process with JLCAR review and approval, and effective permanently.
5. Expedited revisions to agency forms, adopted after a public comment process with JLCAR review, and effective for 10 years.

Rules Filed in Legislative Services

Agency rules adopted pursuant to RSA 541-A (and even some that are not) are filed in proposed, final proposed, and adopted versions in the Office of Legislative Services, Administrative Rules office (Room 220 in the State House Annex). If you wish to know if an agency has either proposed or adopted rules in certain areas, you may get help by going to Administrative Rules in Room 220 or calling 271-3680. You may also access this information, including dates and times for agency public hearings on proposed rules, through a search program on the Administrative Rules web site at <http://www.gencourt.state.nh.us/nholsrulesdbsearch/>. You may inspect copies of the rules and request that copies be made. Of course, copies should also be available from the agencies, but they may charge the actual cost of

preparing a copy. Effective rules and the agency's filing history for the rules and declaratory rulings are also available on the Administrative Rules website at <http://www.gencourt.state.nh.us/rules/default.htm>.

RESEARCH DIVISION

The Research Division of the Office of Legislative Services is responsible for collecting and making available information which will aid legislators in the performance of their duties. The professional research staff regularly locates, compiles, and analyzes information on pending and past legislation; prepares in-depth reports on issues under consideration by the General Court; and identifies state and federal statutes and case law which may impact pending legislation.

When to Consult the Research Division

Whenever you need information to help you perform your legislative duties, you may consult the Research Division. The research staff will provide the materials you need for bill drafting and preparing testimony for public hearings and floor debates. You may consult with a researcher prior to filing a legislative drafting request (LSR) with one of our legislative attorneys or at any time during or subsequent to the bill drafting phase of the legislative process. Come in person to Room 112, State House, email the division at OLSRsearch@leg.state.nh.us, or telephone (603)271-3326.

The research staff can assist a legislator considering a legislative proposal by providing background information and analyses of laws and legislation from New Hampshire and other states. The experienced staff can help lawmakers quickly locate information on a wide range of legislative matters and government-related issues.

You may wish to obtain background material on an issue prior to deciding whether to file a drafting request with an attorney in our legal division. The research staff will be happy to assist you by conducting research or directing you to the various resources available. Occasionally the volume of our work and your personal time restraints prevent us from doing the extensive research that is characteristic of the research division. Under these circumstances, we will always offer suggestions on ways for you to obtain additional information from state and federal agency personnel, government publications and other sources. Researchers can also explain to you how to use official legislative documents so that you can follow the progress of legislation and monitor legislative activity on issues of interest to you.

Professional Nonpartisan Research Services Offered

The four members of the OLS research staff operate in a professional, nonpartisan, and confidential manner. Our information resources are innumerable and include the Internet which enables us to provide you with the most recent and up-to-date information available from many government agencies and reputable private organizations. We cannot do partisan research under any circumstance, and we cannot provide any assistance in private legal matters involving you or your constituents. We are not in policy making positions. Our role is to provide you with the information necessary to help you make your own decisions.

Because the research staff are not attorneys, we can neither prepare or draft any legislation or amendments nor provide legal opinions or interpretations on any matters.

Confidentiality

The identity of every legislator who submits a research request to the division is treated in a confidential manner. Your name will not be released under any circumstance without your permission. Although we often use the information we obtain in connection with a request to answer similar requests received at a later time, the name of the original requester is never released without the expressed consent of the legislator. You may use the research material provided by this office in any manner you feel is appropriate.

OLS, House, and Senate Research

Members of the House and Senate should note the difference between the research services provided by the Research Division of OLS and those provided by the researchers of the House Committee Research and Senate Research Office staffs.

The Research Division of the Office of Legislative Services serves all 400 members of the House and all 24 members of the Senate. Services are provided to individual members as well as members working on behalf of their committees. Please note that the research staff of the House Committee Research Office provides research only for the standing committees of the House, at the request of the chairpersons and vice-chairpersons. The House Committee Research staff is not available to individual members. The Senate Research Office is available only to members of the Senate. Every member of the General Court is welcome to request research from the Research Division in the Office of Legislative Services. We encourage you take advantage of the professional research services offered through our division.

QUESTIONS AND ANSWERS ABOUT BILL PREPARATION

Who may request a bill to be drafted?

Only legislators (members and members-elect) and legislative standing committees may request that a bill be drafted.

Anyone else who wants to use the office's bill drafting services must first secure authorization from a legislator. This authorization should be preferably in writing. A letter, email, or just the member's signature on drafting instructions is acceptable. A legislator may also give oral permission to an OLS attorney. The authorization, whether oral or written, should relate to the specific proposal. This ensures that legislators have full knowledge of all proposals initiated under their names and thus avoids misunderstandings among the requester, the legislator involved, and OLS.

When should a request for a bill draft be submitted?

As soon as possible, within the designated filing period. It is especially important for more complex legislation to be submitted early. The more time we have to prepare a draft, the more comprehensive our work can be. Our best legal product is a result of complete research, painstaking drafting and thorough editing, typing, and proofreading. If we receive an urgent drafting request with insufficient lead time, we must sacrifice some of these essential components of a good draft.

When you decide you want to have a bill drafted, what should you do?

Review the material on the General Court website for more information about the LSR filing process and the type of information required to file an LSR. Note that a bill draft is referred to as an "LSR" (Legislative Services Request) and is identified with and referred to by its LSR number until it is assigned a bill number and introduced as a bill.

House members may use the GCNH Portal to submit requests within the designated filing period. If you are unable to use the GCNH Portal, you may come to OLS in Room 109 of the State House or you may call the office at (603)271-3435 for assistance.

You may feel that providing suggested statutory text will help clarify your intent. If you are proposing changes to current law, please use a different font or color. This way it is easier for us to understand your intent. We retrieve the statutes from our database and make the necessary changes. If you or someone else neatly retypes a statute to show the intended product, the OLS attorney must compare the retyped version word for word to the existing statute to discover each desired change, which wastes time, and introduces the possibility of error.

How much information should you provide?

As much as possible. When submitting requests, members are encouraged to provide as much pertinent information as possible (our research staff may be able to assist in obtaining information). The explanation of what is desired should be detailed and complete. A clear-cut

statement of what the proposal is intended to accomplish is also important, even if the request is submitted in the form of a suggested draft. OLS assigns requests on the basis of subject specialties developed by each of the attorneys. Discussing your request with the proper subject specialist can help you develop your ideas into specifics and can also make you immediately aware of any obvious problems.

The raw material of any draft must be furnished by the requester. We cannot, and will not, supply the basic policy choices for a bill draft. We will not comment on a proposal's desirability as a matter of public policy. We can, and will, use our legal knowledge and drafting skills to express the requester's ideas in writing as clearly as possible, to accomplish the desired change in the law, and to avoid constitutional conflicts. We will be glad to discuss a problem with you prior to any bill drafting and to propose solutions in advance.

What do you do once the bill is drafted?

Review it and sign off. After receiving a request, the attorney responsible for your draft conducts the study necessary for a successful end product and organizes the material. Then the material is drafted and checked to ensure that it is correct in form and technique. The LSR will be emailed to you when it is ready. Following receipt of the initial draft, if you would like to make any changes, you can call or stop by the office to request a "redraft" of your LSR. When you decide that the LSR is in satisfactory order, if you are a House member, you may sign off for introduction through the GCNH Portal, if you are a Senate member, you may sign off through your dashboard, and all members may sign off by visiting our office in person, or by calling us at (603)271-3435. We will then prepare the documents necessary for introduction in the General Court. After a bill has been introduced, it can no longer be redrafted, but it can be amended.

Keep in mind that OLS receives a very large number of drafting requests during certain periods. For example, after each election we receive many legislative requests from both new and returning legislators wanting to begin working on their legislative agendas. It may take a while for your draft to be produced. If you are a House member, you can check the status of your LSRs through the GCNH Portal.

What can you do to help us?

Conduct research prior to submitting the request. You will need to have articulable goals for your legislation and have ideas for how your legislation will achieve those goals. For example, you may need to identify the state agency responsible for implementation, determine whether an enforcement mechanism is needed, or identify the existing statute or administrative process involved. If your request is a refile of a past bill or is based on legislation in another state, provide a copy or a citation. Please allow sufficient time for difficult projects and requests that are made during busy periods.

Give us a contact person. If a state agency, a local public employee, or any other person has background information about your drafting request, you can also help us prepare a draft by allowing us to contact that source. Submit the name and phone number of at least one person who understands the problem and is able to answer questions which may arise during drafting. Unless you authorize us to release information, we are required to keep the text of your drafting requests strictly confidential until introduction.

Identify the source of your draft. When you submit a draft, it is very helpful to us if you provide the name and telephone number of the writer of the draft so we can confer with that person about any unexplained inconsistencies or ambiguities in the draft. Sometimes when we are given a draft which is considered "finished," our preparation time may be increased rather than decreased. Because of the increasing complexity of the law, and the drafting techniques necessary to reflect precise legislative intent and maintain statutory organization, persons who lack specific training or have limited experience in drafting are unlikely to produce complete and accurate drafts.

Make your changes on the OLS draft. Once you receive a draft from OLS, mark your changes directly on the draft or attach a separate document with your additions. Please do not retype the draft or give us a new version from a source other than OLS. This will help us to complete our work for you more quickly and accurately because we will be able to use material we have in electronic form which we have already checked for accuracy.

FORMS OF LEGISLATION

Bills and Resolutions

A bill is a proposed law which has been introduced by a legislator for consideration by the General Court. It is the manner by which the legislature enacts new laws and amends or repeals existing laws. Most legislation is introduced as either a "House Bill" or a "Senate Bill." In addition to bills, some legislation is introduced as resolutions. Resolutions are formal expressions of the opinion, sentiment, or will of one or both houses of the General Court. They are used to declare the official position of either or both houses on a particular issue, to formally request action without having to enact a law, or to offer commendation or condolences. Resolutions may also be used for various internal business purposes such as amending the rules.

The 4 types of resolutions are joint resolutions, concurrent resolutions, simple resolutions, and constitutional amendment-concurrent resolutions. Joint resolutions, concurrent resolutions and constitutional amendment-concurrent resolutions must be approved by both branches of the legislature, while simple resolutions are considered only by the house of introduction. All resolutions take effect upon passage, so they often are used to meet emergency situations. Joint resolutions have the same legal effect as bills, and require the same assent of the governor as bills.

See Appendix A for a sample bill.

UNDERSTANDING AMENDMENTS

Types of Amendments

There are two kinds of amendments: committee and floor. Committee amendments normally are printed in the calendar before the day of floor action, along with a committee report. Floor amendments normally are offered by one or more individual members. See Appendix B for a sample committee amendment, including amended analysis.

Requesting an Amendment

If you want to request an amendment to a bill or resolution, contact OLS. We need to know the bill or resolution number to refer you to the attorney who drafted the legislation. Since the original drafter of a proposal best understands its subject matter, background and structure, another OLS attorney may draft amendments to that proposal only in an emergency. Just as with a bill, plan ahead as far as possible when you request an amendment. Try to request an amendment, at the latest, by noon of the day before you need it. Because of the many steps involved in preparing an amendment, an attorney who receives late requests cannot guarantee that those amendments will be completed on time. If you are requesting an amendment for a committee, we recommend that you allow enough time so that you have a chance to review it before it gets turned in to the clerk.

We will redraft an amendment as many times as necessary for you, just as we do for bills. We cannot redraft an amendment after it has been offered. If you want to change an amendment after it is offered, request a completely new amendment.

Committee Amendments

If a committee needs an amendment, it is always better if the amendment can be drafted and reviewed by the entire committee before the amendment is adopted by the committee. Problems may arise when a committee votes to amend a bill in a certain way and disbands before bringing the amendment to OLS. When the amendment is presented to the OLS attorney, it may then be too late to correct any technical defects the attorney finds in the proposed amendment.

Appendix A - Key to Parts of a Bill

Key to Parts of a Bill

- A -- LSR Number
- B -- Bill Drafter/Bill Reviewer Code Numbers
- C -- Designation of Originating Chamber (House or Senate) and Type of Legislation (bill, resolution, etc.)
- D -- Bill Number
- E -- Original Title
- F -- Name and District of Prime Sponsor and Co-Sponsors
- G -- Committee Referred To in Originating Chamber
- H -- Original Analysis
- I -- Explanation of Typeface
- J -- Enacting Clause
- K -- Body of Bill
- L -- Effective Date
- M -- Fiscal Note (if applicable)

C HOUSE BILL **D 1599-FN-A**

E AN ACT establishing a special marriage officiant license.

F SPONSORS: Rep. Cushing, Rock. 21; Rep. Butler, Carr. 7; Rep. Altschiller, Rock. 19; Rep. DiLorenzo, Rock. 17; Rep. Schultz, Merr. 18; Rep. Chase, Straf. 18; Rep. Bushway, Rock. 21; Sen. Fuller Clark, Dist 21; Sen. French, Dist 7; Sen. Hennessey, Dist 5

G COMMITTEE: Judiciary

H ANALYSIS

This bill establishes a special marriage officiant license to temporarily authorize an individual to solemnize a marriage. A portion of the license fee shall be deposited in the fund for domestic violence programs.

I 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

AN ACT establishing a special marriage officiant license.

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

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

457:32-b Special Marriage Officiant License.

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

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

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

M HB 1599-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT establishing a special marriage officiant license.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Approximately \$59,000	Approximately \$59,000	Approximately \$59,000
Expenditures	\$0	\$0	\$0	\$0
Funding Source:	<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 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 previously submitted information assuming 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.

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

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

It is assumed the fiscal impact of this bill will not begin until FY 2021.

AGENCIES CONTACTED:

Department of State and Department of Health and Human Services

Appendix B - Amendment Sample

Rep. Gordon, Graf. 9
March 3, 2020
2020-1058h
10/04

Amendment to HB 1694

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

4 Legislative Ethics; Definition; Conflict of Interest. Amend RSA 14-B:1, I to read as follows:

I. "Conflict of interest" means the condition in which a legislator has a ~~[special]~~ **financial** interest **or a non-financial personal interest** in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities. ***For this definition:***

(a) A financial interest exists where a legislator or household member could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

5 Legislative Ethics; Definition; Special Interest. Amend RSA 14-B:1, V to read as follows:

V. "Special interest" means any financial or non-financial personal interest in the outcome of a matter that is the subject of official **legislative** activity, ~~[distinct from and greater than the interests of the public at large]~~ ***which could reasonably be expected to produce a direct benefit or detriment to the legislator or a legislator's household member or to produce a benefit or detriment to a business, client, or organization, by whom the legislator or a legislator's household member is employed or holds a position of authority, which is materially greater than the benefit or detriment which would accrue to businesses, clients, or organizations in general.***

Appendix C – Additional Samples

2020 SESSION

20-3124
06/10

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **20**

RELATING TO: the mandatory retirement of judges.

PROVIDING THAT: the mandatory retirement age of judges be increased to seventy-five.

SPONSORS: Sen. Soucy, Dist 18; Sen. Hennessey, Dist 5; Sen. Bradley, Dist 3; Rep. Berch,
Ches. 1; Rep. Gordon, Graf. 9

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment-concurrent resolution provides that a judge may serve until age 75.

.....

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

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: the mandatory retirement of judges.

PROVIDING THAT: the mandatory retirement age of judges be increased to seventy-five.

Be it Resolved by the Senate, the House of Representatives concurring, that the Constitution of New Hampshire be amended as follows:

I. That article 78 of the second part of the constitution be amended to read as follows:

[Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of Judge of any Court, or Judge of Probate~~[, or Sheriff of any county,]~~ after he **or she** has attained the age of ~~[seventy]~~ **seventy-five** years. **No person shall hold the office of Sheriff of any county after he or she has attained the age of seventy years.**

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2020.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2020 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2020 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending article 78 of the second part of the constitution to read as follows:

[Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of Judge of any Court, or Judge of Probate after he or she has attained the age of seventy-five years. No person shall hold the office of Sheriff of any county after he or she has attained the age of seventy years.”

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2020 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

VII. Voters' Guide.

AT THE PRESENT TIME, the mandatory retirement age for judges is seventy.

IF THE AMENDMENT IS ADOPTED, the mandatory retirement age for judges will be seventy-five.

HOUSE CONCURRENT RESOLUTION **8**

A RESOLUTION celebrating August 26, 2020 as the 100th anniversary of the 19th Amendment, which guarantees that the right to vote shall not be denied on the basis of sex.

SPONSORS: Rep. J. Schmidt, Hills. 28; Rep. Sofikitis, Hills. 34; Rep. Harriott-Gathright, Hills. 36; Rep. Almy, Graf. 13; Rep. Dutzy, Hills. 30; Rep. Cushing, Rock. 21; Rep. Ruprecht, Graf. 15; Rep. Van Houten, Hills. 45; Rep. Cohen, Hills. 28; Rep. Cote, Hills. 31; Sen. Rosenwald, Dist 13

COMMITTEE: Election Law

ANALYSIS

This resolution commemorates August 26, 2020 as the 100th anniversary of the 19th Amendment, which guarantees that the right to vote shall not be denied on the basis of sex.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

A RESOLUTION celebrating August 26, 2020 as the 100th anniversary of the 19th Amendment, which guarantees that the right to vote shall not be denied on the basis of sex.

Whereas, the fight for women's suffrage, from the first women's rights convention to enfranchisement, lasted 72 years, with women from all walks of life, political views, and demographic backgrounds asking for the right to voice their opinions at the polls; and

Whereas, New Hampshire women fought for the right to voice their opinions at the polls; and

Whereas, New Hampshire women fought for the right to vote more than a century before it was granted and persevered in the face of resistance; and

Whereas, New Hampshire's Senator Henry W. Blair delivered a passionate speech in the United States Senate on December 8, 1886 in favor of a national amendment granting women the vote; and

Whereas, New Hampshire women garnered national attention for their suffrage efforts, including Concord's Armenia White, who was the first president of the New Hampshire Woman Suffrage Association from 1868 until 1895 and along with her husband, Nathaniel White, was instrumental in securing women's right to vote in school elections in New Hampshire in 1878; and

Whereas, New Durham-born Marilla Ricker, Esq., attempted to vote in 1870 in Dover and every year thereafter, claiming that her status as a property owner and tax payer entitled her to a vote; and

Whereas, Portsmouth's Sallie Whittier Hovey chaired the New Hampshire branch of the National Woman's Suffrage Party and in June 1920 was among the picketers at the Republican national Convention in Chicago, arguing that the Republican Party must move forward with support for ratification; and

Whereas, the Eagle Hotel, located across the street from the state capitol building, was the site in February 1913 of a large banquet hosted by women's suffrage organizations, with suffragists from across the state attending and several notable figures speaking, including Governor Samuel Felker and William J. Britton, Speaker of the New Hampshire House of Representatives; and

Whereas, it took male allies in Congress to support women in their endeavor to vote, for it was sons, husbands, and fathers who ultimately heard the calls of women and took the historic vote to pass the 19th Amendment in the United States Senate on June 10, 1919; and

Whereas, September 11, 2019 marked the 100th anniversary of New Hampshire becoming the 16th state to ratify the 19th Amendment; and

Whereas, the necessary 36 states soon ratified the 19th Amendment, thereby enfranchising nearly half of the United States population on August 26, 1920; and

Whereas, most of the women who began asking for the right to vote never lived to see the enfranchisement of women; and

Whereas, in the November 1920 election, when women could finally vote at local, state, and federal levels across the United States, 8,000,000 women did indeed vote; and

Whereas, 2 women were elected to the New Hampshire house of representatives in that 1920 election, Republican Jessie Doe of Rollinsford and Democrat Mary L.R. Farnum of Boscawen, both winning as write-in candidates, having been unable to register as voters and file nominations papers before the 19th Amendment took effect; and

Whereas, daughters, granddaughters, and great-granddaughters of the women who fought so hard to vote have been making their voices heard at the polls for nearly 100 years, now voting in greater numbers than men; and

Whereas, women are running for office in unprecedented numbers, and many current politicians, both male and female, remember that they follow in the footsteps of these great suffragists; and

Whereas, in 2013, New Hampshire became the first state to have an entirely female Congressional delegation and also a female governor at the same time; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: that New Hampshire commemorates August 26, 2020, as the 100th anniversary of the 19th Amendment becoming part of the United States Constitution and reaffirms New Hampshire's commitment to empowering and uplifting the voices of women and all voters across our great state.

Appendix D

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COMMONLY USED ACRONYMS

C of C	Committee of Conference
CACR	Constitutional Amendment-Concurrent Resolution
FN-A-L	Fiscal Note-Appropriation-Local
HB	House Bill
HCR	House Concurrent Resolution
HR	House Resolution
ITL	Inexpedient to Legislate
JLCAR	Joint Legislative Committee on Administrative Rules
LBA	Legislative Budget Assistant
LOB	Legislative Office Building
LSR	Legislative Services Request
OLS	Office of Legislative Services
OTP	Ought to Pass
OTP/A	Ought to Pass with Amendment
PAU	Program Appropriation Unit
RSA	Revised Statutes Annotated
SB	Senate Bill
SCR	Senate Concurrent Resolution
SR	Senate Resolution