

HB 346 - AS INTRODUCED

2021 SESSION

21-0250

05/04

HOUSE BILL                    **346**

AN ACT                    relative to the funding source for the domestic violence programs fund.

SPONSORS:            Rep. Edwards, Rock. 4

COMMITTEE:        Ways and Means

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ANALYSIS

This bill provides that a portion of the marriage license fee shall be deposited in the general fund rather than the fund for domestic violence grant programs. The bill directs certain funds from parking violations to the domestic violence grant program.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the funding source for the domestic violence programs fund.

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

1 1 Dedicated Funds; Special Fund for Domestic Violence Programs. Amend RSA 6:12, I(b)(12) to  
2 read as follows:

3 (12) Moneys received under ~~[RSA 457:29]~~ **RSA 265:69, I(j) and RSA 236:134,**  
4 which shall be credited to the special fund for domestic violence programs.

5 2 Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:  
6 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence programs  
7 is established. The sole purpose of the fund shall be to provide revenues for the domestic violence  
8 program established in RSA 173-B:16, and shall not be available for any other purpose. The state  
9 treasurer shall deposit **in the fund** all [fees] **moneys** received by the ~~[department under RSA~~  
10 ~~457:29]~~ **state for violations of RSA 265:69, I(j), relative to parking spaces designated for**  
11 **persons with walking disabilities, and RSA 236:134, relative to parking spaces equipped**  
12 **with electric vehicle charging stations** ~~[in the fund]~~. All moneys deposited in the fund shall be  
13 continually appropriated for the purposes of the domestic violence grant program and shall not  
14 lapse.

15 3 Marriage License Fee. Amend RSA 457:29 to read as follows:  
16 457:29 Marriage License Fee. The fee for the marriage license shall be \$50 to be paid by the  
17 parties entering into the marriage. The clerk shall forward \$43 from each fee to the ~~[department of~~  
18 ~~health and human services for the purposes of RSA 173-B:15]~~ **state treasurer for deposit in the**  
19 **general fund**. The clerk shall retain the remaining \$7 as the fee for making the records of notice,  
20 issuing the certificate of marriage, and forwarding the \$43 portion of the marriage license fee.

21 4 Special Marriage Officiant License. Amend RSA 457:32-b, I to read as follows:  
22 I. The secretary of state may issue a special marriage officiant license, which shall  
23 temporarily authorize an individual to solemnize a marriage in this state. Any individual who  
24 applies for the special marriage officiant license shall register with the secretary of state, complete  
25 the registration form prescribed by the secretary of state, and submit an \$85 fee to the department of  
26 state. The secretary of state shall forward \$80 of the fee to the ~~[department of health and human~~  
27 ~~services for deposit in the fund for domestic violence programs, established in RSA 173-B:15]~~ **state**  
28 **treasurer for deposit in the general fund**, and shall retain the remainder of the fee for  
29 administrative costs associated with issuance of the license.

30 5 Effective Date. This act shall take effect July 1, 2021.

**HB 346-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT relative to the funding source for the domestic violence programs fund.

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

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<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 - Domestic Violence Prevention Fund (RSA 173-B:16)			

**METHODOLOGY:**

This bill changes the funding source of the Domestic Violence Grant Program from marriage license fees to fine revenue collected from certain parking violations. The bill does not change the total amount of revenue generated from these sources but would significantly impact the Domestic Violence Grant Program by decreasing revenue allocated to the program and increasing revenue to the General Fund. There would be no impact on county or local revenues or expenditures.

Currently \$43 of the \$50 marriage license fee collected by town clerks and \$80 of the \$85 special marriage officiant license fee collected by the Department of State is forwarded to the Department of Health and Human Services pursuant to RSA 457:29 to fund the Domestic Violence Grant Program established pursuant to RSA 173-B:16. These funds are distributed to the New Hampshire Coalition for the Prevention of Domestic and Sexual Violence with the Governor and Council's approval. Program funds are continually appropriated and shall not lapse. Town clerks and the Department of State retain the balance of \$7 and \$5 respectively from these fees for the cost of administration, with the \$5 apportionment for the Department of State designated for the General Fund. The bill would not affect the existing administrative allocations but would redirect the \$43 and \$80 allocations to the General Fund.

Recent activity of the Domestic Violence Grant Program Fund is outlined below, and the Department of State indicates that total revenue to the Program for FY 2021 is \$8,000 below the total collected at this time last year:

**Purpose of Dedicated Fund**

**To fund domestic violence prevention programs.**

**Accounting Unit 2959**

<b>Fiscal Year</b>	<b>Beginning Balance</b>	<b>Revenue</b>	<b>Expenses</b>	<b>Encumb.</b>	<b>Other Funding</b>	<b>Ending Balance</b>
2020	73,711	365,500	(413,923)	(25,235)	84,394	84,447
2019	58,241	421,916	(322,075)	(84,394)	23	73,711
2018	81,956	397,323	(485,323)	(23)	64,308	58,241
2017	78,213	399,395	(390,134)	(64,308)	58,789	81,956

The special marriage officiant license was established effective September 18, 2020 pursuant to Chapter 25:6, Laws of 2020 (HB 1240). The estimated annual revenue from this source allocated to the Domestic Violence Grant Program is \$78,800 beginning in FY21 but only \$4,640 has been allocated as of January 19, 2021.

In lieu of marriage license fee revenue to fund the Domestic Violence Grant Program, the bill allocates fine revenue from violations relative to parking spaces reserved for individuals with walking disabilities (RSA 265:69, I(j)) and relative to parking spaces equipped with electric vehicle charging stations (RSA 236:134). Violation of RSA 265:69, I(j) is punishable by a minimum fine of \$250, of which 20 percent is payable to the town or city where the violation occurred. Violations of RSA 236:134 are punishable for each day of infraction with an associated penalty of \$53 per violation (RSA 236:127).

The Department of Safety indicates that violations within a municipality for parking illegally in parking spaces reserved for individuals with walking disabilities are usually issued by local police departments using a municipal ordinance for such violation and 100% of any fine revenue goes to the municipality. Fine revenue from violations issued by State Police for violations of RSA 265:69, I(j)) on state property such as state-owned rest areas and other state-owned property is not significant with only 26 such citations issued in FY 2020 (14 paid). Violations of RSA 236:134 on state property were not reported.

The Department of Transportation indicates it does not collect revenues for violations of RSA 236:134. These are generally a municipal issue involving municipally-owned facilities.

Both proposed revenue sources do not generate any significant state revenue compared to the marriage license fees that currently fund the Domestic Violence Grant Program, therefore the program would experience an almost total loss of funding without further action to restore funding with other revenue sources or direct legislative appropriation.

**AGENCIES CONTACTED:**

Departments of Safety, Transportation, State, Administrative Services and Health and Human  
Services