

CHAPTER 58

HB 437-FN-LOCAL – FINAL VERSION

04Apr2007... 1156h

2007 SESSION

07-0333

09/01

HOUSE BILL ***437-FN-LOCAL***

AN ACT permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

SPONSORS: Rep. Splaine, Rock 16; Rep. Hilliard, Straf 2

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill permits same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seven

AN ACT permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

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

58:1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

CHAPTER 457-A

CIVIL UNIONS

457-A:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-A:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one unmarried man and another unmarried man both of whom are at least 18 years of age or one unmarried woman and another unmarried woman both of whom are at least 18 years of age, subject to the prohibitions in RSA 457-A:3 and RSA 457-A:4 and provided that they are not in another civil union.

457-A:3 Civil Unions Prohibited; Men. No man shall enter into a civil union with his father, his grandfather, his father's brother, his mother's brother, his son, his brother, his son's son, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

457-A:4 Civil Unions Prohibited; Women. No woman shall enter into a civil union with her mother, her grandmother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

457-A:5 Forms, Documents, and Applications; How Performed. The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter. Civil unions shall be performed pursuant to the provisions of RSA 457:31 and entered into pursuant to the analogous provisions of RSA 5-C:41-61. Nothing in this chapter shall be construed to require a minister or clergyman or clergywoman to solemnize or perform a civil union.

457-A:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-A:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-A:8 Other Jurisdictions. A civil union or a marriage between a man and another man or a woman and another woman legally contracted outside of New Hampshire shall be recognized as a civil union in this state, provided that the relationship does not violate the prohibitions of this chapter.

58:2 Effective Date. This act shall take effect January 1, 2008.

Approved: May 31, 2007

Effective: January 1, 2008