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FISCAL IMPACT REPORT

SPONSOR <u> SHPAC </u>	LAST UPDATED _____
	ORIGINAL DATE <u> 3/3/2023 </u>
SHORT TITLE <u> Marriage Changes </u>	BILL <u> CS/Senate Bill </u>
	NUMBER <u> 295/SHPACS </u>
	ANALYST <u> Gray </u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of SHPAC Substitute for Senate Bill 295

The Senate Health and Public Affairs Committee Substitute for Senate Bill 295 seeks to clarify the process of solemnization, licensure, and contracts for marriage, creates new definitions, amends forms for the application for marriage license and marriage certificate.

This bill contemplates:

- Permitting the following individuals to solemnize a marriage:
 - (1) Civil officer,
 - (2) Judicial officer,
 - (3) Military officer,
 - (4) Registered marriage officer,
 - (5) Religious officer, or
 - (6) Retired officer.
- Changing the age at which a county clerk is prohibited from issuing a marriage license from 16 to 18;
- Prohibiting polygamous or plural marriages and providing that no action is required for the dissolution of a void marriage under these circumstances;

- Requiring a marriage license to be issued to any couple regardless of the sex, sexual orientation, gender, gender identity, race, ethnicity, or national origin of the two individuals;
- Removing the presumption of separate property when the property is acquired during marriage by a woman by writing in her name alone or her name and the name of another person not her husband. Instead, any property so acquired prior to July 1, 1973 would be presumed separate property but any property so acquired afterward would be considered community property; and
- Permitting a member of the armed forces who is deployed or on active duty to receive a marriage license without appearing in-person to a county clerk’s office, provided certain criteria are met.

The bill specifies that when a court determines a marriage voidable, child support and spousal support will be assessed as if the marriage had been entered into lawfully, and provides that, in the case of an incestuous marriage, laws regarding inheritance apply. The bill also makes all language gender neutral (i.e. married couple instead of husband and wife).

The effective date of this bill is July 1, 2023.

FISCAL IMPLICATIONS

There are no estimated fiscal implications.

SIGNIFICANT ISSUES

The bill defines “judicial officer” as a person permitted to solemnize a civil contract of marriage, to mean:

- A justice or judge of any of the courts established by the constitution or laws of New Mexico;
- A justice or judge of any of the courts established by the constitution or laws of the United States; or
- Designated as a judicial officer by the laws or customs of an Indian nation, tribe, or pueblo, if the nation, tribe, or pueblo designates judicial officers.

SB295 amends Section 40-1-2(C) NMSA 1978 to prohibit a judicial officer from charging a fee to solemnize a contract of marriage.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB295 duplicates a provision of SB40, which also provides for in-person appearance exemptions for members of the armed forces seeking a marriage license.

BG/al/ne/rl/ne