



House of Representatives

General Assembly

File No. 609

January Session, 2007

House Bill No. 7395

House of Representatives, April 26, 2007

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING MARRIAGE EQUALITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 As used in this chapter:

4 [(a)] (1) "Registrar" means the registrar of vital statistics;

5 [(b)] (2) "Applicant" means applicant for a marriage license;

6 [(c)] (3) "License" means marriage license; and

7 (4) "Marriage" means the legal union of two persons.

8 Sec. 2. (NEW) (*Effective October 1, 2007*) A person is eligible to marry
9 if such person is:

10 (1) Not a party to another marriage or to a civil union or domestic

11 partnership in this state or another state or jurisdiction;

12 (2) Of the same or opposite sex as the other party to the marriage;

13 (3) Except as provided in section 46b-30 of the general statutes, at
14 least eighteen years of age;

15 (4) Except as provided in section 46b-29 of the general statutes, not
16 under the supervision or control of a conservator; and

17 (5) Not prohibited from entering into a marriage pursuant to section
18 46b-21 of the general statutes, as amended by this act.

19 Sec. 3. Section 46b-25 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2007*):

21 No license may be issued by the registrar until both persons have
22 appeared before the registrar and made application for a license. The
23 registrar shall issue a license to any two persons eligible to marry
24 under this chapter. The license shall be completed in its entirety, dated,
25 signed and sworn to by each applicant and shall state each applicant's
26 name, age, race, birthplace, residence, whether single, widowed or
27 divorced and whether under the supervision or control of a
28 conservator or guardian. The Social Security numbers of [the bride and
29 the groom] both persons shall be recorded in the "administrative
30 purposes" section of the license. If the license is signed and sworn to by
31 the applicants on different dates, the earlier date shall be deemed the
32 date of application.

33 Sec. 4. Section 46b-21 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2007*):

35 [No man may marry his mother, grandmother, daughter,
36 granddaughter, sister, aunt, niece, stepmother or stepdaughter, and no
37 woman may marry her father, grandfather, son, grandson, brother,
38 uncle, nephew, stepfather or stepson.] No person may marry such
39 person's parent, grandparent, child, grandchild, sibling, parent's
40 sibling, sibling's child, stepparent or stepchild. Any marriage within

41 these degrees is void.

42 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) No person authorized to
43 join persons in marriage pursuant to section 46b-22 of the general
44 statutes shall be required to solemnize any marriage in violation of his
45 or her right to the free exercise of religion guaranteed by the first
46 amendment to the United States Constitution or section 3 of article first
47 of the Constitution of the state.

48 (b) Any person authorized to join persons in marriage pursuant to
49 section 46b-22 of the general statutes who fails or refuses to join
50 persons in marriage for any reason shall not be subject to any fine or
51 other penalty for such failure or refusal.

52 Sec. 6. (NEW) (*Effective October 1, 2007*) Wherever in the general
53 statutes or the public acts the term "husband", "wife", "groom", "bride",
54 "widower" or "widow" is used, such term shall be deemed to include
55 one party to a marriage between two persons of the same sex.

56 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding the
57 provisions of subdivision (1) of section 2 of this act, on and after the
58 effective date of this section and prior to October 1, 2008, two persons
59 who are parties to a civil union entered into pursuant to sections 46b-
60 38aa to 46b-38oo, inclusive, of the general statutes, as amended by this
61 act, may apply for and be issued a marriage license, provided such
62 persons are otherwise eligible to marry under section 2 of this act and
63 the parties to the marriage will be the same as the parties to the civil
64 union.

65 (b) After the celebration of such marriage and upon the recording of
66 the license certificate or notarized affidavit with the registrar of vital
67 statistics of the town where the marriage took place pursuant to
68 section 46b-34 of the general statutes, the civil union of such persons
69 shall be dissolved by operation of law as of the date of the marriage
70 stated in the certificate or affidavit.

71 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) Any civil union

72 established pursuant to sections 46b-38aa to 46b-38oo, inclusive, of the
73 general statutes, as amended by this act, that has not been dissolved by
74 the parties or by operation of law under section 7 of this act as of
75 October 1, 2008, shall become a valid marriage under chapter 815e of
76 the general statutes, as amended by this act, on said date and such civil
77 union shall be dissolved by operation of law on said date.

78 (b) Notwithstanding the provisions of subsection (a) of this section,
79 any civil union with respect to which a proceeding for dissolution,
80 annulment or legal separation is pending on October 1, 2008, shall not
81 become a marriage on said date, and shall continue to be governed by
82 the provisions of the general statutes applicable to civil unions in effect
83 prior to October 1, 2008.

84 Sec. 9. Section 45a-727a of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2007*):

86 The General Assembly finds that:

87 (1) The best interests of a child are promoted by having persons in
88 the child's life who manifest a deep concern for the child's growth and
89 development;

90 (2) The best interests of a child are promoted when a child has as
91 many persons loving and caring for the child as possible; and

92 (3) The best interests of a child are promoted when the child is part
93 of a loving, supportive and stable family, whether that family is a
94 nuclear, extended, split, blended, single parent, adoptive or foster
95 family. [; and]

96 [(4) It is further found that the current public policy of the state of
97 Connecticut is now limited to a marriage between a man and a
98 woman.]

99 Sec. 10. Section 46b-38nn of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective October 1, 2007*):

101 Parties to a civil union shall have all the same benefits, protections
 102 and responsibilities under law, whether derived from the general
 103 statutes, administrative regulations or court rules, policy, common law
 104 or any other source of civil law, as are granted to spouses in a
 105 marriage. [, which is defined as the union of one man and one
 106 woman.]

107 Sec. 11. (NEW) (Effective October 1, 2007) Nothing in this act shall
 108 impair or affect any action or proceeding commenced, or any right or
 109 benefit accrued, or obligation incurred, by a party to a civil union prior
 110 to October 1, 2008.

111 Sec. 12. Sections 46b-38aa to 46b-38pp, inclusive, of the general
 112 statutes are repealed. (Effective October 1, 2008)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	46b-20
Sec. 2	October 1, 2007	New section
Sec. 3	October 1, 2007	46b-25
Sec. 4	October 1, 2007	46b-21
Sec. 5	October 1, 2007	New section
Sec. 6	October 1, 2007	New section
Sec. 7	October 1, 2007	New section
Sec. 8	October 1, 2007	New section
Sec. 9	October 1, 2007	45a-727a
Sec. 10	October 1, 2007	46b-38nn
Sec. 11	October 1, 2007	New section
Sec. 12	October 1, 2008	Repealer section

JUD Joint Favorable

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Public Health, Dept.	GF - Cost	142,900	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows same-sex couples to enter into civil marriage. Since current law provides for the legal equivalent, civil union, there is no substantive change to participants’ legal rights or obligations under the bill. Absent a substantive change to legal rights or obligations, there is no fiscal impact among the array of policies (e.g., taxation, benefits) linked to the legal definition of marriage. However, there would be a one-time cost to modify vital records documents and computer systems of the Connecticut State Registrar.

The Connecticut State Registrar will incur one-time costs of approximately \$142,900 to modify vital records documents and computer systems in response to the bill’s passage.

It should be noted that these costs are in part driven by the bill’s effective date, 10/1/07. sHB 7077, as favorably reported, includes significant dollars in FY 08 to allow the Department of Public Health to commence planning and development efforts associated with a new Electronic Vital Records System (EVRS). This will be a multi-year project, with marriage records added in the latter stages of development. Incorporating revisions necessitated by the bill into the EVRS project could significantly reduce certain expenses shown below; however this could not be accomplished by 10/1/07.

Activities to be performed include: revising marriage, birth and

death license/certificate forms to remove gender-specific references and capture gender of registrant; updating computerized marriage and death databases; conducting manual data counts to separate data for federal reporting purposes¹; and upgrading the current EVRS used by the state and local registrars for birth records. Costs are as follows:

Modify computerized marriage data system and data entry protocol ²	51,000
Modify current EVRS system (birth data) ³ , roll out to local registrars	56,500
Modify computerized death data system	5,400
Update and reprint marriage licenses/certificates	15,000
Update and reprint death certificates	15,000
Total One-Time Costs	142,900

The Out Years

There is no fiscal impact in the out years.

¹ It should be noted that the federal National Center for Health Statistics requires states to report vital statistics (birth, marriage, death) in a manner that separates the aggregated data into traditional marriage vs. same-gender marriage categorizations.

² The existing marriage database is written in an outdated computer language. Modifications require outside professional consultation.

³ The vendor that created the current EVRS system no longer supports the program. Modifications would require outside professional consultation.

OLR Bill Analysis**HB 7395*****AN ACT CONCERNING MARRIAGE EQUALITY.*****SUMMARY:**

This bill defines civil marriage as the legal union of two persons. Current law restricts it to a union between a man and a woman. Beginning October 1, 2007, the bill allows parties to Connecticut civil unions to marry and dissolves the civil union by operation of law when the marriage is recorded with the local registrar of vital statistics.

The bill repeals existing civil union laws on October 1, 2008. Existing civil unions will become marriages by operation of law unless there is a pending divorce, annulment, or legal separation proceeding. It specifies that nothing in its provisions affects any action or proceeding pending on that date or a civil union party's accrued rights or obligations.

The bill also prohibits the state from penalizing officiants for refusing to marry any couple for any reason.

EFFECTIVE DATE: October 1, 2007, except the repeal of the civil union statutes is effective October 1, 2008.

TOWN CLERKS

The bill requires town clerks to issue marriage licenses to any two people legally eligible to marry under state law. Existing marriage law restrictions on license applicants' age, mental capacity, and degree of kinship remain intact.

Table 1 describes the bill's changes:

Table 1: Applicants Eligible for Marriage Licenses

<p>Prior to October 1, 2007</p>	<p>Heterosexual couples</p>
<p>October 1, 2007 through September 30, 2008</p>	<p>Heterosexual couples Parties to Connecticut civil unions (marriage must involve same parties)</p>
<p>October 1, 2008 and later</p>	<p>Heterosexual couples Same-sex couples, except those who, under state, local, or foreign laws, are (1) married, (2) civil union parties, or (3) domestic partners</p>

MARRIAGE OFFICIANTS

The bill specifies that no person who is legally permitted to perform marriages is required to do so when this conflicts with the exercise of the officiant’s constitutionally protected right to free exercise of religion.

PENDING DIVORCE PROCEEDINGS

The bill specifies that Connecticut’s current civil union law will continue to govern civil union divorce, annulment, and legal separation proceedings that are pending on October 1, 2008.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 27 Nay 15 (04/12/2007)