S T A T E O F N E W Y O R K

6957

2015-2016 Regular Sessions

I N A S S E M B L Y

April 15, 2015

Introduced by M. of A. GALEF -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to marriage officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature hereby finds and declares that increasing numbers of persons being married seek a civil marriage to be performed by a marriage officiant of their choosing. Civil marriages are solemnized by village, town and city clerks, justices and marriage officers appointed by the governing body of such municipalities. This legislation expands the marriage officer criteria so that additional officers are available to solemnize marriages. This legislation empowers the governing boards of municipalities to authorize and appoint such officers at the request of the persons being married. This legislation further provides that marriage offices may accept fees agreed upon by the persons being married or those representing them, without municipal governing board approval. The municipal governing boards may require or waive municipal residency requirements for the marriage officers in certain circumstances. Municipalities are also provided with the authorization to establish and collect additional fees that cover administrative costs and/or increase revenues.

S 2. Subdivision 2 of section 11-c of the domestic relations law, as added by chapter 49 of the laws of 1988, is amended to read as follows:

2. The number of such marriage officers appointed for a municipality shall be determined by the governing body of the municipality. Such marriage officers shall be eighteen years of age or over, and they shall reside in the municipality by which they are appointed. THE GOVERNING BODY OF THE MUNICIPALITY MAY, HOWEVER, WAIVE THE RESIDENCY REQUIREMENT IF PERSONS SEEKING MARRIAGE SOLEMNIZATION MAKE SUCH A REQUEST. A

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD09733-01-5

marriage officer shall have the authority to solemnize a marriage within the territory of the municipality which makes the appointment.

S 3. Subdivision 3 of section 11-c of the domestic relations law, as added by chapter 49 of the laws of 1988, is amended to read as follows:

3. A marriage officer may receive a salary or wage in an amount to be determined by the governing body of the municipality which appoints him or her. In the event that a marriage officer receives a salary or wage, he or she shall not receive any remuneration or consideration from any other source for performing his or her duties. In the event that a marriage officer does not receive a salary or wage, [he or she may accept and keep up to seventy-five dollars for each marriage at which he or she officiates, paid by or on behalf of the persons married] A FEE MAY BE AGREED TO BY THE MARRIAGE OFFICER AND THOSE ON BEHALF OF THE PERSONS BEING MARRIED, AND/OR THE PERSONS BEING MARRIED. SUCH FEE NEED NOT BE DISCLOSED OR APPROVED BY THE GOVERNING BOARD OF THE MUNICIPALITY. A GOVERNING BOARD SHALL ALSO HAVE THE AUTHORITY TO DETERMINE A FEE FOR SUCH SOLEMNIZATIONS TO COVER COSTS TO THE MUNICIPALITY AND/OR TO INCREASE REVENUES FOR THE MUNICIPALITY.

S 4. Section 11-c of the domestic relations laws is amended by adding a new subdivision 5 to read as follows:

5. IN THE EVENT THAT A GOVERNING BODY OF ANY VILLAGE, TOWN OR CITY MAY DISMISS A MARRIAGE OFFICER, NO ACTION SHALL BE MAINTAINED BY OR ON BEHALF OF SUCH MARRIAGE OFFICER, UNDER THIS SECTION AGAINST SUCH GOVERNING BODY.

S 5. This act shall take effect on the ninetieth day after it shall have become a law.