

Committee Report

REGULAR CALENDAR

January 15, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Judiciary to which
was referred HB 351,

AN ACT relative to exemptions from property
attachments. Having considered the same, report the
same with the recommendation that the bill OUGHT TO
PASS.

Rep. Kurt Wuelper

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	HB 351
Title:	relative to exemptions from property attachments.
Date:	January 15, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The bill brings the value of one automobile protected from attachment/sale to repay debt from the current \$4000 to \$10,000. The committee thinks this is a fair value of an asset critical to people's ability to work to be preserved.

Vote 16-4.

Rep. Kurt Wuelper
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

HB 351, relative to exemptions from property attachments. **MAJORITY: OUGHT TO PASS.**
MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Kurt Wuelper for the **Majority** of Judiciary. The bill brings the value of one automobile protected from attachment/sale to repay debt from the current \$4000 to \$10,000. The committee thinks this is a fair value of an asset critical to people's ability to work to be preserved. **Vote 16-4.**

COMMITTEE REPORT

mai. R

COMMITTEE: Judiciary

BILL NUMBER: HB 351

TITLE: _____

DATE: 1-15-2019 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This Bill brings the value of ~~an~~ one automobile protected from attachment/sale to repay a debt from the current \$4000 to \$10,000. The committee ~~felt~~ thinks this is a fair value of ~~an~~ an asset critical to people's ability to work to be preserved.

OK
MKS

COMMITTEE VOTE: 16-4

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. *[Signature]*
For the Committee

REGULAR CALENDAR

January 15, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Judiciary to which
was referred HB 351,**

**AN ACT relative to exemptions from property
attachments. Having considered the same, and being
unable to agree with the Majority, report with the
following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	HB 351
Title:	relative to exemptions from property attachments.
Date:	January 15, 2019
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill is an attempt to change the value of an asset which a debtor can retain without it becoming the subject of an attachment for the collection of debt. The change sought is to increase the exemption value of an automobile from \$4,000 to \$10,000. The committee heard no evidence as to the value of a used automobile in NH; the value presented was one from a prior session's bill deliberation given by a committee member who was a car salesman. The issue appears to have been driven by a particular circumstance for which the committee heard no testimony. There are a total of 20 categories in law for exemption in NH and the minority believed that before changing one with no basis in fact the entire statute should be reviewed. Additionally the testimony cross referenced federal bankruptcy law exemptions as if those were being effected when they are not the same as those of NH law. The minority respectfully requests support for a motion of ITL.

Rep. Barbara Griffin
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

HB 351, relative to exemptions from property attachments. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the **Minority** of Judiciary. This bill is an attempt to change the value of an asset which a debtor can retain without it becoming the subject of an attachment for the collection of debt. The change sought is to increase the exemption value of an automobile from \$4,000 to \$10,000. The committee heard no evidence as to the value of a used automobile in NH; the value presented was one from a prior session's bill deliberation given by a committee member who was a car salesman. The issue appears to have been driven by a particular circumstance for which the committee heard no testimony. There are a total of 20 categories in law for exemption in NH and the minority believed that before changing one with no basis in fact the entire statute should be reviewed. Additionally the testimony cross referenced federal bankruptcy law exemptions as if those were being effected when they are not the same as those of NH law. The minority respectfully requests support for a motion of ITL.

GRIFIN

MINORITY REPORT

COMMITTEE: Judiciary

BILL NUMBER: HB351

TITLE: _____

DATE: 1-15-19 ~~1-22-19~~ CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT

HB 351 - minority 1.15.19

Minority Report for

Barbara Griffin

This bill is an attempt to change the value of an asset which debtor can retain without it becoming the subject of an attachment for the collection of debt. The change sought is to increase the exemption value of an automobile from \$4000 to \$10,000. The committee heard no evidence as to the value of a used automobile in NH; the value presented was one from a prior session's bill deliberation given by a committee member who was a car salesman. The issue appears to have been driven by a particular circumstance for which the committee heard no testimony. There are a total of 20 categories in law for exemption in NH and the minority believed that before changing one with no basis in fact the entire statute should be reviewed. Additionally the testimony cross referenced Federal Bankruptcy law exemptions as if those were being effected when they are not the same as those of NH law. The minority respectfully requests support for a motion of ITL.

COMMITTEE VOTE: _____

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File

Rep. _____

For the Minority

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 351

BILL TITLE: relative to exemptions from property attachments.

DATE: January 15, 2019

LOB ROOM: 208

MOTIONS: OUGHT TO PASS

Moved by Rep. Wuelper

Seconded by Rep. McLean

Vote: 16-4

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Kurt Wuelper, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 351

BILL TITLE: relative to exemptions from property attachments.

DATE: 1-15-19

LOB ROOM: 208

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Wuelpel Seconded by Rep. McLean Vote: 16-4

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES NO

Minority Report? Yes _____ No If yes, author, Rep: GRIPIN Motion ITL

Respectfully submitted: Kurt Wuelpel
Rep Kurt Wuelpel, Clerk



2019 SESSION

JUDICIARY

Bill #: HB351 Title: _____

PH Date: 1/1/

Exec Session Date: 1/15/2019

Motion: OTP

Amendment #: _____

MEMBER

YEAS

NAYS

Smith, Marjorie K. Chairman	16	
Keans, Sandra B. Vice Chairman	1	
Berch, Paul S.	2	
Horrigan, Timothy O.	3	
Woodbury, David	4	
Altschiller, Debra	5	
DiLorenzo, Charlotte I.	6	
Burroughs, Anita D.	7	
Chase, Wendy	8	
Kenney, Cam E.	9	
Langley, Diane M.	10	
Stevens, Deb	11	
Hopper, Gary S.	12	
Sylvia, Michael J.		1
Wuelper, Kurt F. Clerk	13	
Gordon, Edward M.		2
Janvrin, Jason A.		3
Griffin, Barbara J.		4
McLean, Mark	14	
Alexander, Joe H.	15	
TOTAL VOTE:		

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 351

BILL TITLE: relative to exemptions from property attachments.

DATE: January 10, 2019

LOB ROOM: 208

Time Public Hearing Called to Order: 11:30 AM

Time Adjourned: 11:59 AM

Committee Members: Reps. M. Smith, Keans, Wuelper, Berch, Altschiller, DiLorenzo, Burroughs, Chase, Kenney, Langley, Stevens, Hopper, Sylvia, Gordon, Janvrin, B. Griffin and McLean

Bill Sponsors:
Rep. Wuelper

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Kurt Wuelper, Prime Sponsor - support

Minor change to state law from \$4,000 to \$10,000 for attachment, which allows folks to keep transportation availability to maintain employment. Identical bill passed in 2018 - killed in senate.

Elliot Berry, NH Legal Assistant - support

RSA 504. Other than housing, car is most important need to get to appointments. Car is often the most valuable asset. Car is critical to most of his clients.

Respectfully submitted,



Rep. Sandra Keans, Acting Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 351

BILL TITLE: relative to exemptions from property attachments.

DATE: January 10, 2019

ROOM: 208

Time Public Hearing Called to Order: 11:30 a.m.

Time Adjourned: 11:59

(please circle if present)

Committee Members: Reps. M. Smith, Keans, Wuelper, Berch, Horrigan, Woodbury, Altschiller, DiLorenzo, Burroughs, Chase, Kenney, Langley, Stevens, Hopper, Sylvia, Gordon, Janvrin, B. Griffin, McLean and Alexander Jr.

Bill Sponsors:
Rep. Wuelper

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

WUELPER: SPONSOR - MINOR CHANGE TO STATE LAW
THAT FROM \$4,000 TO \$10,000 FOR ATTACHMENT.
WHICH ALLOWS FOLKS TO KEEP TRANSPORTATION
AVAILABILITY TO MAINTAIN EMPLOYMENT
IDENTICAL BILL PASSED IN 2018 - KILLED IN SENATE
ELLIOTT BERRY NH LEGAL ASST. RSA 504 SUPPORT
OTHER THAN HOUSING. CAR IS MOST IMPORTANT NEED
TO GET TO APPOINTMENTS CAR IS OFTEN THE MOST
VALUABLE ASSET.

ELLIOTT BERRY: NH LEGAL ASSISTANCE - SUPPORTS
CAR IS CRITICAL TO MANY OF HIS CLIENTS

Sandy

Bill as
Introduced

HB 351 - AS INTRODUCED

2019 SESSION

19-0703
04/03

HOUSE BILL

351

AN ACT

relative to exemptions from property attachments.

SPONSORS:

Rep. Wuelper, Straf. 3

COMMITTEE:

Judiciary

ANALYSIS

This bill increases the value of an automobile that is exempt from attachment.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to exemptions from property attachments.

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

- 1 1 Attachable Property and Exemptions; Automobile. Amend RSA 511:2, XVI to read as follows:
- 2 XVI. One automobile to the value of [~~\$4,000~~] **\$10,000**.
- 3 2 Effective Date. This act shall take effect 60 days after its passage.