

REGULAR CALENDAR

April 6, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred SB 291,

AN ACT establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Jennifer Rhodes

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	SB 291
Title:	establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.
Date:	April 6, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would have established a study committee to study the issue of unmarried cohabitants, and domestic partners. Under existing law in NH, common law marriages are not prohibited. Individual's choosing not to become married is not a conundrum. Currently, NH has mechanisms in the law to protect persons choosing to share a household without choosing to become married, including statutes regarding any children born from the relationship. In the event a couple is uncomfortable with becoming legally married they have the right to keep all of their assets separate. There are not any laws that makes a couple share financial assets, a home, or a car, just to name a few, even if they are legally married. A married couple has the same vulnerabilities to have a bank account liquidated when they share financial accounts. Additionally, there are home ownership options to help secure a person's vested interest in a home investment and everybody has the right to have a last will and testament prepared as well.

Vote 12-8.

Rep. Jennifer Rhodes
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

SB 291, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jennifer Rhodes for the **Majority** of Criminal Justice and Public Safety. This bill would have established a study committee to study the issue of unmarried cohabitants, and domestic partners. Under existing law in NH, common law marriages are not prohibited. Individual's choosing not to become married is not a conundrum. Currently, NH has mechanisms in the law to protect persons choosing to share a household without choosing to become married, including statutes regarding any children born from the relationship. In the event a couple is uncomfortable with becoming legally married they have the right to keep all of their assets separate. There are not any laws that makes a couple share financial assets, a home, or a car, just to name a few, even if they are legally married. A married couple has the same vulnerabilities to have a bank account liquidated when they share financial accounts. Additionally, there are home ownership options to help secure a person's vested interest in a home investment and everybody has the right to have a last will and testament prepared as well. **Vote 12-8.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

April 6, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred SB 291,

AN ACT establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. David Meuse

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	SB 291
Title:	establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.
Date:	April 6, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Property rights are among our most sacred and important rights. However, there are grey areas in our state laws when it comes to the division of property when relationships end between unmarried cohabitants and domestic partnerships. This lack of clarity can result in the loss of property should one of the parties exiting a relationship take advantage of another. With living arrangements outside of marriage now common among people of all ages, especially among younger people, the minority believes this is an issue worthy of additional information gathering and further study. We urge you to overturn the inexpedient to legislate recommendation so the legislature can be allowed to do an important part of our work.

Rep. David Meuse
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

SB 291, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage. **OUGHT TO PASS.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. Property rights are among our most sacred and important rights. However, there are grey areas in our state laws when it comes to the division of property when relationships end between unmarried cohabitants and domestic partnerships. This lack of clarity can result in the loss of property should one of the parties exiting a relationship take advantage of another. With living arrangements outside of marriage now common among people of all ages, especially among younger people, the minority believes this is an issue worthy of additional information gathering and further study. We urge you to overturn the inexpedient to legislate recommendation so the legislature can be allowed to do an important part of our work.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 291

BILL TITLE: establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.

DATE: April 6, 2022

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Rhodes

Seconded by Rep. Wallace

Vote: 12-8

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk



2022 SESSION

Criminal Justice and Public Safety

Bill #: SB 291 Motion: FTL AM #: Exec Session Date: 4-6-22

TOTAL VOTE:

	12		8	
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2022 SESSION

Criminal Justice and Public Safety

Bill #: SB291 Motion: ITL AM #: Exec Session Date: 4622

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman			
Roy, Terry Vice Chairman			
Welch, David A.			
Burt, John A.			
Hopper, Gary S. <i>RHODES</i>			
Green, Dennis E.			
Wallace, Scott Clerk			
Testerman, Dave			
True, Chris			
Pratt, Kevin M.			
Marston, Dick			
Harriott-Gathright, Linda C.			
Pantelakos, Laura C.			
O'Hearne, Andrew S.			
Bordenet, John			
Meuse, David			
Newman, Ray E.			
Bouldin, Amanda C. <i>SCHULTZ</i>			
Conley, Casey M.			
Bradley, Amy			
Espitia, Manny			

12

8

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill SB291 on 2022-04-06

Support: 2 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Rosenwald, Cindy	Nashua, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	No	4/1/2022 11:55 AM
Sherman, Senator	SD 24, NH jennifer.horgan@leg.state.nh.us	An Elected Official	SD24	Support	No	No	4/5/2022 10:01 AM

SB 291 - AS INTRODUCED

2022 SESSION

22-2866

07/05

SENATE BILL **291**

AN ACT establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.

SPONSORS: Sen. Sherman, Dist 24; Sen. Watters, Dist 4; Sen. Rosenwald, Dist 13; Rep. Maggiore, Rock. 22; Rep. K. Murray, Rock. 24

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
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 Twenty Two

AN ACT establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.

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

1 1 Committee Established. There is established a committee to study the issue of unmarried
2 cohabitants, domestic partnerships, and common law marriage.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) One member of the senate, appointed by the president of the senate.

6 (b) Three members of the house of representatives, appointed by the speaker of the
7 house of representatives.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall study issues associated with unmarried cohabitants, domestic
11 partnerships, and common law marriage. The study shall include consideration of other states that
12 recognize common law marriage, the fact that New Hampshire does not recognize the validity of
13 common law marriages except to the limited extent provided by RSA 457:39, and whether as a
14 matter of public policy broader recognition of common law marriage is warranted. The committee
15 shall also study issues arising from accumulated assets during the course of a committed
16 relationship as unmarried cohabitants, domestic partners, or through a common law marriage
17 arrangement. The committee may solicit information and testimony from any individual or entity
18 the committee deems relevant to its study.

19 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
20 among the members. The first meeting of the committee shall be called by the first-named senate
21 member. The first meeting of the committee shall be held within 45 days of the effective date of this
22 section. Three members of the committee shall constitute a quorum.

23 5 Report. The committee shall report its findings and any recommendations for proposed
24 legislation to the president of the senate, the speaker of the house of representatives, the senate
25 clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

26 6 Effective Date. This act shall take effect upon its passage.