

LEGISLATIVE COMMITTEE MINUTES

HB1103

Bill as Introduced

HB 1103 - AS INTRODUCED

2022 SESSION

22-2496

07/05

HOUSE BILL **1103**

AN ACT relative to certain assets in a divorce proceeding.

SPONSORS: Rep. Spillane, Rock. 2; Rep. DiLorenzo, Rock. 17; Rep. Bershtein, Rock. 2; Sen. Reagan, Dist 17

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that, in a divorce proceeding, the court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Two

AN ACT relative to certain assets in a divorce proceeding.

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

1 1 New Paragraph; Divorce; Property Settlement. Amend RSA 458:16-a by inserting after
2 paragraph IV the following new paragraph:

3 V. The court shall not require a party to sell a piece of marital property if one party is able
4 to fully and fairly compensate the other party for his or her interest in it and the sale is not required
5 for an equitable division of property between the parties.

6 2 Effective Date. This act shall take effect January 1, 2023.

HB 1103 - AS AMENDED BY THE SENATE

05/05/2022 1965s

2022 SESSION

22-2496
07/05

HOUSE BILL **1103**

AN ACT relative to certain assets in a divorce proceeding.

SPONSORS: Rep. Spillane, Rock. 2; Rep. DiLorenzo, Rock. 17; Rep. Bershtein, Rock. 2; Sen. Reagan, Dist 17

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill provides that, in a divorce proceeding, the court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property. This bill also allows for either party to petition the court for a modification of a property settlement in regards to the parties' animals.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1103 - AS AMENDED BY THE SENATE

05/05/2022 1965s

22-2496
07/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to certain assets in a divorce proceeding.

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

1 1 New Paragraph; Divorce; Property Settlement. Amend RSA 458:16-a by inserting after
2 paragraph IV the following new paragraph:

3 V. The court shall not require a party to sell a piece of marital property if one party is able
4 to fully and fairly compensate the other party for his or her interest in it and the sale is not required
5 for an equitable division of property between the parties.

6 2 Divorce; Property Settlement; Tangible Property. Amend RSA 458:16-a, II-a to read as
7 follows:

8 II-a. Tangible property shall include animals. In such cases, the property settlement shall
9 address the care and ownership of the parties' animals, taking into consideration the animals'
10 wellbeing. *Upon petition of either party, the court may review and modify the property*
11 *settlement agreed to previously only as it pertains to this paragraph.*

12 3 Effective Date. This act shall take effect January 1, 2023.

CHAPTER 186
HB 1103 - FINAL VERSION

05/05/2022 1965s

2022 SESSION

22-2496
07/05

HOUSE BILL **1103**

AN ACT relative to certain assets in a divorce proceeding.

SPONSORS: Rep. Spillane, Rock. 2; Rep. DiLorenzo, Rock. 17; Rep. Bershtein, Rock. 2; Sen. Reagan, Dist 17

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill provides that, in a divorce proceeding, the court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property. This bill also allows for either party to petition the court for a modification of a property settlement in regards to the parties' animals.

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.

CHAPTER 186
HB 1103 - FINAL VERSION

05/05/2022 1965s

22-2496
07/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to certain assets in a divorce proceeding.

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

1 186:1 New Paragraph; Divorce; Property Settlement. Amend RSA 458:16-a by inserting after
2 paragraph IV the following new paragraph:

3 V. The court shall not require a party to sell a piece of marital property if one party is able
4 to fully and fairly compensate the other party for his or her interest in it and the sale is not required
5 for an equitable division of property between the parties.

6 186:2 Divorce; Property Settlement; Tangible Property. Amend RSA 458:16-a, II-a to read as
7 follows:

8 II-a. Tangible property shall include animals. In such cases, the property settlement shall
9 address the care and ownership of the parties' animals, taking into consideration the animals'
10 wellbeing. *Upon petition of either party, the court may review and modify the property*
11 *settlement agreed to previously only as it pertains to this paragraph.*

186:3 Effective Date. This act shall take effect January 1, 2023.

Approved: June 17, 2022
Effective Date: January 01, 2023

Amendments

Sen. Gannon, Dist 23
March 31, 2022
2022-1303s
07/08

Amendment to HB 1103

1 Amend the bill by replacing all after section 1 with the following:

2

3 2 Divorce; Property Settlement; Tangible Property. Amend RSA 458:16-a, II-a to read as
4 follows:

5 II-a. Tangible property shall include animals. In such cases, the property settlement shall
6 address the care and ownership of the parties' animals, taking into consideration the animals'
7 wellbeing. *Upon petition of either party, the court may review and modify the property*
8 *settlement agreed to previously only as it pertains to this paragraph.*

UNAPPROVED

2022-1303s

AMENDED ANALYSIS

This bill provides that, in a divorce proceeding, the court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property. This bill also allows for either party to petition the court for a modification of a property settlement in regards to the parties' animals.

UNAPPROVED

Sen. Gannon, Dist 23
Sen. Prentiss, Dist 5
May 5, 2022
2022-1965s
07/04

Floor Amendment to HB 1103

1 Amend the bill by replacing all after section 1 with the following:

2

3 2 Divorce; Property Settlement; Tangible Property. Amend RSA 458:16-a, II-a to read as
4 follows:

5 II-a. Tangible property shall include animals. In such cases, the property settlement shall
6 address the care and ownership of the parties' animals, taking into consideration the animals'
7 wellbeing. *Upon petition of either party, the court may review and modify the property*
8 *settlement agreed to previously only as it pertains to this paragraph.*

9 3 Effective Date. This act shall take effect January 1, 2023.

2022-1965s

AMENDED ANALYSIS

This bill provides that, in a divorce proceeding, the court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property. This bill also allows for either party to petition the court for a modification of a property settlement in regards to the parties' animals.

Committee Minutes

SENATE CALENDAR NOTICE

Judiciary

Sen Sharon Carson, Chair
 Sen Bill Gannon, Vice Chair
 Sen Harold French, Member
 Sen Rebecca Whitley, Member
 Sen Jay Kahn, Member

Date: April 13, 2022

HEARINGS

	Tuesday	04/19/2022
	(Day)	(Date)
Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 408	relative to employment restrictions for registered sex offenders.
1:15 p.m.	HB 1101	relative to a forfeiture of personal property.
1:30 p.m.	HB 1493	relative to the drug forfeiture fund.
1:45 p.m.	HB 1103	relative to certain assets in a divorce proceeding.
2:00 p.m.	HB 1266	relative to restrictions on enforcement of federal immigration laws.
2:15 p.m.	HB 1178	prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.
2:30 p.m.	HB 1625	repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 408	Rep. Verville	Rep. Baldasaro	Sen. Reagan
HB 1101	Rep. Sylvia	Rep. Bernardy	Rep. Spillane
	Rep. Silber	Rep. T. Lekas	Rep. Post
HB 1493	Rep. Sylvia		
HB 1103	Rep. Spillane	Rep. DiLorenzo	Rep. Bershtein
HB 1266	Rep. Piemonte	Rep. Torosian	Rep. Potucek
HB 1178	Rep. Burt	Rep. Stapleton	Rep. Hopper
	Rep. Nunez	Rep. True	Rep. Hill
	Rep. Folsom	Rep. Kofalt	Sen. Avard
HB 1625	Rep. Kelsey	Rep. Nunez	Rep. Baxter
			Rep. Silber
			Rep. Kelsey
			Sen. Ricciardi
			Rep. Gould

Rep. Stapleton
Rep. Sheehan

Rep. Mooney
Sen. Ricciardi

Rep. Notter
Sen. Daniels

Rep. M. Pearson
Sen. Avar

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

HB 1103, relative to certain assets in a divorce proceeding.

Hearing Date: April 19, 2022

Time Opened: 2:02 p.m.

Time Closed: 2:06 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill Analysis: This bill provides that, in a divorce proceeding, the court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property.

Sponsors:

Rep. Spillane

Rep. DiLorenzo

Rep. Bershtein

Sen. Reagan

Who supports the bill: Representative Lynn; Senator Reagan

Who opposes the bill: No one

Summary of testimony presented in support:

Representative Lynn

- This bill provides that, in a divorce proceeding, the court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property.
- Senator French asked if there is a problem with this being ordered.
 - From his experience on the Court, thinks that sometimes there can be a dispute about whether the house should be sold or who should get the proceedings. This particular problem he cannot recall seeing but cannot say it is not a problem.
- Senator Gannon asked if he would believe that people are being forced by judges to sell assets like motorcycles.
 - Would believe it if it was found to be necessary. Would find it unusual if that was ordered in a situation where it was not necessary in order to be able to compensate a party.

Summary of testimony presented in opposition:
None

jch
Date Hearing Report completed: April 22, 2022

Speakers

Senate Judiciary Committee

SIGN-IN SHEET

Date: 04/19/2022 Time: 1:45 p.m.

HB 1103 AN ACT relative to certain assets in a divorce proceeding.

Name/Representing (please print neatly)

	Support	Oppose	Speaking?	Yes	No
<i>Sen John Leaman</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Rep Bob Lynn</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Rep [Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

Senate Remote Testify

Judiciary Committee Testify List for Bill HB1103 on 2022-04-19

Support: 0 Oppose: 0

Testimony

Jennifer Horgan

From: James Spillane <james@jamesspillane.org>
Sent: Monday, April 18, 2022 4:29 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB1103 - Prime Sponsor

Good afternoon, Senators,

I am supposed to introduce HB1103 to you in committee at 1:45 tomorrow, but I have a work commitment I cannot avoid starting at 1pm.

HB1103 came out of the house on Consent with a unanimous committee vote of OTP, and is now in your hands. This bill was on consent two years ago as well, but got killed in the COVID mess.

It is a simple bill that prevents a judge from forcing a party to sell a possession as part of divorce proceedings if the party has the monetary value to equalize the division of assets. Division of property during a divorce is contentious enough, and to force a party to sell an heirloom or sentimental item of known value and split the proceeds is no longer about equity, but becomes an act of revenge that causes even more bitterness instead of helping to move the healing forward. This bill is a common sense act of fairness and equity, which is why this bill was bipartisan in sponsorship and unanimous OTP in the Children and Family Law Committee.

I have an actual example from my own divorce 4 years ago I will relate to you, and I have been made aware of many other situations since that time. As for my own situation, the judge evaluated the value of our vehicles and instructed me that since my truck was worth more than my ex-wife's car, I must sell my motorcycle (a Honda) and pay to her the first \$3,500.00 from the sale. We appealed and requested of the judge if we could not just pay her \$3,500.00 in cash and not be forced to sell the motorcycle, and he denied the appeal. I was instructed that should I not sell the motorcycle, or should I sell it for less than the \$3,500.00 he determined, I would be in contempt of court. All of the vehicles had known values as we entered court, of course, and he made his decision based on the blue-book value, but I was not allowed to equalize the valued of property with cash.

I had to find a buyer for my motorcycle in short notice, receiving less than the actual value because the sale HAD to take place and I was in no position to wait for a reasonable offer, and provide the court with the sales agreement and copy of the check from the sale, and I remanded the \$3,500.00 to my ex-wife. For me, it was a relatively common motorcycle, but one that I had for many years and loved. But what if this had been an armoire in my family for generations? Or if my ex was told she must sell her hope-chest that was handed down from mother-to-daughter and was full of sentimental value?

This bill will prevent a judge from ordering a sale when the monetary value can be paid without a sale, but it will do nothing to change situations where a sale MUST be completed to divide the assets because the party doesn't have the cash available.

I hope you can support HB1103.

Sincerely,

Representative James Spillane

--
NH Representative James Spillane
Rockingham 2

Deerfield, Candia, Nottingham

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # 1103

Hearing date: _____

Executive Session date: _____

Motion of: OTP Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: 1303 Vote: 2-3

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: _____
amendment - include animals

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 27, 2022

THE COMMITTEE ON Judiciary

to which was referred **HB 1103**

AN ACT relative to certain assets in a divorce proceeding.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill provides that, in a divorce proceeding, the Court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property. This is a simple delineation in the divorce process that balances the interests of both parties in the most appropriate manner.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

HB 1103, relative to certain assets in a divorce proceeding.

Ought to Pass, Vote 5-0.

Senator Sharon Carson for the committee.

This bill provides that, in a divorce proceeding, the Court shall not require a party to sell a marital asset if the party is able to compensate the other party for his or her interest in it and the sale is not required for an equitable division of the marital property. This is a simple delineation in the divorce process that balances the interests of both parties in the most appropriate manner.

HB1103

Bill Details

Title: relative to certain assets in a divorce proceeding.

Sponsors: (Prime) Spillane (R), DiLorenzo (D), Bershtein (R), Reagan (R)

LSR Number: **22-2496**

General Status: **SIGNED BY GOVERNOR**

Chapter Number: **186**

House:

Committee: Children and Family Law

Due Out: 3/10/2022

Status: CONCURRED

Senate:

Committee: Judiciary

Floor Date: 5/5/2022

Status: PASSED/ADOPTED WITH AMENDMENT

Bill Docket

Body	Description
H	Introduced 01/05/2022 and referred to Children and Family Law
H	Public Hearing: 01/25/2022 11:00 am LOB 206-208
H	Executive Session: 01/25/2022 10:30 am LOB 202-204
H	Committee Report: Ought to Pass <u>(Vote 12-0; CC)</u>
H	Ought to Pass: MA VV 02/16/2022 <u>HJ 3</u>
S	Introduced 02/24/2022 and Referred to Judiciary: <u>SJ 5</u>
S	Hearing: 04/19/2022, Room 100, SH, 01:45 pm; <u>SC 16</u>
S	Committee Report: Ought to Pass, 05/05/2022; Vote 5-0; CC; <u>SC 18</u>
S	Sen. Gannon Moved to Remove HB 1103 from the Consent Calendar, 05/05/2022; <u>SJ 11</u>
S	Sen. Gannon Floor Amendment # 2022-1965s, AA, VV; 05/05/2022; <u>SJ 11</u>
S	Ought to Pass with Amendment 2022-1965s, MA, VV; OT3rdg; 05/05/2022; <u>SJ 11</u>
H	House Concurs with Senate Amendment (Rep. Rice): MA VV 05/12/2022 <u>HJ 13</u>
S	Enrolled Adopted, VV, (In recess 05/26/2022); <u>SJ 13</u>
H	Enrolled (in recess of) 05/26/2022
H	Signed by Governor Sununu 06/17/2022; Chapter 186; eff. 01/01/2023 <u>HJ 14</u>

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB1103

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
 All Calendar Notices
 Hearing Sign-up sheet(s)
 Prepared testimony, presentations, & other submissions handed in at the public hearing
 Hearing Report
 Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 13035 - amendment # _____
 - amendment # _____ - amendment # _____
 Executive Session Sheet
 Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 1965 - amendment # _____
 - amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
 Enrolled Bill Amendment(s)
 Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
 final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

8/12/22
Date

Senate Clerk's Office AK