HB 112 - AS INTRODUCED

2023 SESSION

23-002	1
05/10	

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AN ACT relative to tenant's right to notification prior to the sale of a multifamily home.

SPONSORS: Rep. Read, Rock. 10; Rep. Kenney, Straf. 10; Rep. Gallager, Merr. 20; Rep. Levesque, Straf. 4; Rep. Preece, Hills. 17; Rep. Seibert, Hills. 21; Rep. M. Perez, Hills. 43

COMMITTEE: Judiciary

ANALYSIS

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23-00021

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Be it Himatad by the Setecand i House of sept deeptatives in General Court ab a convened:

1 New Section Act Anni Again Atgain at Effect at the Resident Resi

54031NoticeRequireit BelBert SedeSale.

- I. No owner of restricted property, as defined in RSA 540:1-a, II, shall make a final unconditional acceptance of any offer for the sale or transfer of the property without first giving 60 days' notice to each tenant:
- (a) That the owner intends to sell the property; and
- (b) Of the price, terms, and conditions of an acceptable offer the owner has received to sell the property or the price, terms, and conditions for which the owner intends to sell the property. This notice shall include a copy of the signed written offer which sets forth a description of the property to be purchased and the price, terms, and conditions of the acceptable offer.
- II. During the notice period required under paragraph I, the owner shall consider any offer received from the tenants or a tenants' association, if any, and the owner shall negotiate in good faith with the tenants concerning a potential purchase. If during the notice period, the tenants decide to make an offer to purchase the property, such offer shall be evidenced by a purchase and sale agreement; however, the tenants shall have a reasonable time beyond the 60-day period, if necessary, to obtain financing for the purchase.
- III. The notice required by paragraph I shall be served by certified mail, return receipt requested, to each tenant at such tenant's abode. A receipt from the United States Postal Service that is signed by any adult member of the household to which it was mailed, or a notation on the letter that the letter was refused by any adult member of the tenant household, or that the addressee no longer resides there, or that the letter was returned to the post office unclaimed, shall constitute a conclusive presumption that service was made in any court action in this state.
- 2 Effective Date. This act shall take effect January 1, 2024.

Rep. Read, Rock. 10 Rep. Greeson, Graf. 6 January 31, 2023 2023-0252h 05/10

Amendment to HB 112

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Amendment to HB 112 - Page 2 -

2023-0252h

AMIENDHDAMAYSISIS

This bill requires the owner of restricted property to give each tenant at least 60 days notice prior to sale of the property.

REGULAR CALENDAR

February 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Judiciary to which

was referred HB 112,

AN ACT relative to tenant's right to notification prior to

the sale of a multifamily home. Having considered the

same, report the same with the following amendment,

and the recommendation that the bill OUGHT TO PASS

WITH AMENDMENT.

Rep. Zoe Manos

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk

MAJORITY COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 112
Title:	relative to tenant's right to notification prior to the sale of a multifamily home.
Date:	February 8, 2023
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2023-0252h

STATEMENT OF INTENT

This amended bill requires that the owner of restricted residential property give each tenant no less than 60 days notice before the final closing on the sale of the property. Notice is considered delivered to a tenant by signature of receipt or notation of refusal of a certified letter. We believe this bill is necessary in order to give tenants living in restricted residential property adequate notice of the pending sale of the so that they can either make arrangements to move in a timely manner or so that a group of tenants can arrange to make a counteroffer to the owner to buy the property.

Vote 11-9.

 $\begin{array}{c} \text{Rep. Zoe Manos} \\ \text{FOR THE MAJORITY} \end{array}$

Original: House Clerk

REGULAR CALENDAR

Judiciary

HB 112, relative to tenant's right to notification prior to the sale of a multifamily home. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Zoe Manos for the **Majority** of Judiciary. This amended bill requires that the owner of restricted residential property give each tenant no less than 60 days notice before the final closing on the sale of the property. Notice is considered delivered to a tenant by signature of receipt or notation of refusal of a certified letter. We believe this bill is necessary in order to give tenants living in restricted residential property adequate notice of the pending sale of the so that they can either make arrangements to move in a timely manner or so that a group of tenants can arrange to make a counteroffer to the owner to buy the property. **Vote 11-9.**

Original: House Clerk

REGULAR CALENDAR

February 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Judiciary to which

was referred HB 112,

AN ACT relative to tenant's right to notification prior to

the sale of a multifamily home. 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. Joe Alexander

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk

MINORITY COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 112
Title:	relative to tenant's right to notification prior to the sale of a multifamily home.
Date:	February 8, 2023
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

There could be many reasons a property owner would need to make a quick sale. The Amendment requiring 60 days notice would prevent that sale. Listing to contract to closing is sometimes completed in 10 days. Tenants are already protected by having a lease which remains valid and binding on the present and future owner regardless of the sale. The bill as introduced provides further delays for financing. It would deny the owner the right to sell her property to her children, grandchildren, brothers, or business partners. It unfairly interferes with property rights and the owner's ability to negotiate. What if the sale of rental property needs to be accomplished quickly to pay for some unforeseen or emergency expense, such as surgery? What if 60 days was too long to wait? Who is responsible for the loss of opportunity? Who is financially responsible for the loss? HB 112 is wrong for NH and wrong for property owners who believe in the motto "Live Free or Die."

Rep. Joe Alexander FOR THE MINORITY

Original: House Clerk

REGULAR CALENDAR

Judiciary

HB 112, relative to tenant's right to notification prior to the sale of a multifamily home. INEXPEDIENT TO LEGISLATE.

Rep. Joe Alexander for the **Minority** of Judiciary. There could be many reasons a property owner would need to make a quick sale. The Amendment requiring 60 days notice would prevent that sale. Listing to contract to closing is sometimes completed in 10 days. Tenants are already protected by having a lease which remains valid and binding on the present and future owner regardless of the sale. The bill as introduced provides further delays for financing. It would deny the owner the right to sell her property to her children, grandchildren, brothers, or business partners. It unfairly interferes with property rights and the owner's ability to negotiate. What if the sale of rental property needs to be accomplished quickly to pay for some unforeseen or emergency expense, such as surgery? What if 60 days was too long to wait? Who is responsible for the loss of opportunity? Who is financially responsible for the loss? HB 112 is wrong for NH and wrong for property owners who believe in the motto "Live Free or Die."

Original: House Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #:	HB 112	Date:	1/25/23	
Committee: _	Judiciary			

** Please Print All Information **

Name	Address	Phone	Representing	Pro	Con
Jane,	Haigh 1573	(Iran St	Self	V	
Chris 1	Vorwood	, 225-5549	NH ASSIN OF Death	īs.	X
Ken	ty Mrc 20 Bel	la VISta PUD	Self		X
Rep. Lind	la Souls Bedfo	rd	self		X
Dawn	Wikinney	NH legal AGSSFAM	le	V	
Cairnie	Poworney 29	, 0 90 0	Serf	V	
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Vanissa &	Bleris SLASH St	March Clet. 0272	Suf	1	
Rep K	athy Steers	Hells 25		V	
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Viola	Katuline, 1045	Elmst , Mancheste .	MH GOD		
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HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 112

BILL TITLE: relative to tenant's right to notification prior to the sale of a multifamily

home.

DATE: January 25, 2023

LOB ROOM: 206-208 Time Public Hearing Called to Order: 9:02 a.m.

Time Adjourned: 10:06 a.m.

<u>Committee Members</u>: Reps. Lynn, Wallace, Kuttab, Alexander Jr., Andrus, Testerman, Stapleton, Tripp, Greeson, K. Perez, M. Smith, Horrigan, DiLorenzo, M. Paige, McBeath, Devine, Lanza, Manos and Turer

Bill Sponsors:

Rep. Read Rep. Kenney Rep. Gallager Rep. Levesque Rep. Preece Rep. Seibert

Rep. M. Perez

TESTIMONY

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

- 1. **Rep Read**, **Sponsor**. Introduced free speech in interactive computer services.
- Housing crisis- people are concerned about having a home or having to live out of their cars.
- Bill extends a law on the books regarding manufactured home sale notification. This bill calls for notification prior to sale of a multifamily home.
- Making tenants into homeowners who will be more stapled consumers and long-term invested residents.
- Rep Alexander asked about what if owner wasn't intending to buy, but got an offer? Rep Read stated closing usually takes 60 days anyways, so they'd have within that time.
- Resident owned community- all or some tenants could go in on it together.

2. Jane Haigh, Support, Home owner in Manchester

- It has been sad to see homeless.
- Low vacancy rate, hard for a displaced person to find a place to live.
- This would allow a co-op for tenants to retain home.

3. Ken Eyring, Oppose

- Property is one of the foundations of our freedoms and liberties.
- This bill will create a separate class of citizens, instead of a free market.
- Will limit owners ability to sell the unit.
- Supports notifying, and then tenants can negotiate, but opposes anything more.

4. Cairnie Pouoruy, Support

- Advocates for transparency, enable tenants to plan for possible rent increase.
- Likes opportunity to buy, but would support even just a notification

5. David Cline, Oppose

- 1/3 of renters move yearly.
- How long should sellers have to wait for possible financing for this unlikely scenario?

6. Jessica Margeson, Support

- Bill is giving a family opportunity to maintain their home.

7. Nick Norman, Oppose, Gov Affairs Chair of Apartment Assoc of NH

- Too ambiguous of a time for "reasonable" finance.
- Unreasonable for tenants who are renting who often don't have savings would be able to purchase a multi unit home.
- Sometimes owners sell multiple properties at a time from their portfolio to same buyer.
- Restricts property owner from a fair and timely sale.
- *Submitted written testimony

8. Brendan Lemay, Support, Rights & Democracy

- Often tenants don't even know building is for sale and suddenly then have a rent increase.
- Very least, tenants should be notified about intent to sell.

-Respectfully Submitted, Rep. Katelyn Kuttab, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill HB112 on 2023-01-25

Support: 9 Oppose: 9 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	City, State Email Address	<u>Title</u>	Representing	Position	Testifying	Non-Germane
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Support	No	No
Fuentes, Sebastian	Thornton, NH sebastian@radnh.org	A Lobbyist	Rights & Democracy NH	Support	No	No
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Support	No	No
Gordon, Carolyn	Hanover, NH csgordon@dartmouth.edu	A Member of the Public	Myself	Support	No	No
Feder, Marsha	Hollis, NH marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No
Kelly, Jon	Penacook, NH jonmkelly@gmail.com	A Member of the Public	Myself	Oppose	No	No
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Oppose	No	No
Karney, Stephen	Amherst, NH stephenakarney@gmail.com	A Member of the Public	Myself	Oppose	No	No
Applewhite, Jordan	Sugar Hill, NH jordan.applewhite@gmail.com	A Member of the Public	Myself	Support	No	No
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No
Nicholson, Lisa	Newmarket, NH LisaRNicholson@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Andrews, Heather	Newmarket, NH heather@cheneyco.com	A Member of the Public	Myself	Oppose	No	No
Termini, Marcella	Manchester, NH marcellatermini@gmail.com	A Member of the Public	Myself	Support	No	No
Peirce, William	Kittery, ME wf5@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No
dilorenzo, charlotte	newmarket, NH charlottedilorenzo@gmail.com	An Elected Official	Myself	Support	No	No

HB112

7

1/25/2023 09:00 a.m. LOB Rm 208, House Judiciary HB112, Tenant 60 Day First Right of Refusal Nick Norman Legislative Initiative Landlord Tenant Law AANH Government Affairs Chair NickNorman@yahoo.com 603-432-5549

Property Owner Position: Against Please vote Inexpedient To Legislate

Summary: The bill first requires the seller, before he or she accepts a final offer, to provide all the tenants 60 days notice, by certified mail, return receipt required, notice of the intent to sell, all of the terms and conditions of the sale, and a copy of the written offer.

During the 60 notice period, the seller then must consider offers received from the tenants or the tenant's association, and the seller must 'negotiate in good faith with the tenants concerning a potential purchase.' The tenants must make an offer to purchase in writing, and the tenants will have a reasonable time beyond the 60 day period, if necessary, to obtain financing.

The bill is clearly a restraint on the seller's right to sell their property.

The bill dramatically increases the amount of time it will take to sell properties easily adding 4 months; 60 day notice plus 'reasonable' time to arrange financing. Anything less than 60 days for financing would likely be found insufficient. Unlike mobile home parks, there is no tangible real property of tenants involved whereas mobile home park tenants have home ownership associated with the park at stake, on the line, and usable as loan collateral. Park residents likely have a tenant organization in place and have resources (ROC-NH™) to facilitate legal contracting and borrowing whereas the typical apartment building does not.

This measure would also restrict an owner's ability to negotiate the sales price since any new offer or consideration would require new noticing. Both sellers and buyers need to be nimble in these transactions. Note how many sales become a bidding war at the finale of the negotiations.

In some instances, a quick sale is important, as with an estate where the heirs do not want to manage the property. The value and maintenance could decrease during the waiting period of both the 60 days, and the time for the tenants to obtain financing.

If the tenants do purchase a property, how are the buildings going to be maintained or managed? This is not even thought about in the bill. Are the buildings going to be converted in condominiums with a board of directors and annual meetings or held as tenants in common? How are disputes going to be resolved? Tenants will be investing a lot to obtain the buildings, and they could potentially suffer a great loss.

Financing for a tenant association would be near impossible to obtain, during which time a property owner could potentially lose a sale to a qualified owner.

If a tenant wants ownership equity in property, they should explore purchasing on their own.

Property owners should not disclose details of their sale, or even intent to sell, until a sale has closed. This protects the confidentiality of all parties, and details, until the sale has closed.

Tenants have a leasehold contract with the property owner/landlord, not an ownership interest. It is simply bound by contract law. A new owner must adhere to the terms of that contract when a sale is completed.

This would violate the privacy of a bona fide offeror. Many transactions take place very quickly; the 60 days notice puts on undue hardship on a seller trying to sell in the open market to achieve best price and terms. Some landlords/sellers are licensed real estate agents, and the requirements in this bill would violate some NAR rules as well as some NH real estate licensee statutes. The wording of "reasonable time to obtain financing for the purchase" for tenants is wildly vague and unworkable.

1/25/2025 05:00 a.m. LOB Rm 208. House Inciding HB112. Tennan 60 Day First Right of Refusal Nick Norman - Logislative Initiative Landbord Fenant Law AAAH Government Affairs Chair Silva State Chair - Landbord Fenant Law Milates Chair - Landbord Fenant Law - Milates Chair - Landbord Fenant Chair - Landbord Fenant Fenance Chair - Landbord Fenance

Property Obstact Position: Against Please vate linearection: 30 inchistors

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' What renter can afford to purchase a 100 unit apartment complex. Is this restricted to 1-4 family units? A renter does not have a special right to my personal property over any other potential buyer. As a private property owner, the state should not be telling me who I can sell my property to.

The bill is also ambiguous. For instance, If the buyer has excellent credit and history managing multi-family property and has negotiated some seller financing and the tenants demand the same terms, but none of the tenants have ever managed a multi-unit property, including multi-use properties having commercial on the first floor and apartments above, or have the same credit, s refusing the tenants' offer bad faith?

What if the sale is for a portfolio of properties, and the tenants only want to buy the building they live in? Is the owner in bad faith if they will only accept an offer that equals that of the third party for sale of the entire portfolio?

Please vote Inexpedient To Legislate

What rentarioan afford to purchase a 106 unit apartment complex. Is this restricted to 1-4 family units? A renter does not have a special right to my porsonal property over any other potential buyer. As a private property owner, the state should not be telling me who I can self my property to.

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Please vote thexpedient fo Legislate

William Peirce

Chairman Lynn and members of the committee, I urge you not to pass HR112, a bill that would give tenants a right of first refusal. I have experience with the purchase and sale of properties in California and Massachusetts, where I was a real estate broker, as well as New Hampshire and Maine, where I am a landlord. I doubt HR112 is constitutional because of contractural privacy concerns. If it did pass, it would probably make New Hampshire a unique outlier. Tenants have the right to continue living in their home/apartment even if the building is sold. The fact that new owners sometimes jack up the rents is a problem that stems from the lack of adequate housing, not tenants rights. The bill envisions a scenario where tenants are informed of the pending sale of the property and they collectively purchase it. I have seen this happen once before in San Fransisco, but the sympathetic property owner had to give the tenants more than a year to organize the purchase. I believe the tenants had to secure special city government funding. I doubt New Hampshire wants to get into that business. If this bill were to pass it would make property sales very difficult and tenants would rarely, if ever, be able to effectuate a purchase. Organizing a quick purchase by a group of people with different interests and financial capabilities would be next to impossible.

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 112

BILL TITLE: relative to tenant's right to notification prior to the sale of a multifamily home.

DATE: February 8, 2023

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Tripp Seconded by Rep. K. Perez Vote: 10-10

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Manos Seconded by Rep. Turer AM Vote: 11-9

Amendment # 2023-0252h

Moved by Rep. Manos Seconded by Rep. Turer Vote: 11-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Katelyn Kuttab, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 112

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home.

DATE: January 25, 2023

LOB ROOM: 206-208 Time Public Hearing Called to Order: 9:02 a.m.

Time Adjourned: 10:06 a.m.

<u>Committee Members</u>: Reps. Lynn, Wallace, Kuttab, Alexander Jr., Andrus, Testerman, Stapleton, Tripp, Greeson, K. Perez, M. Smith, Horrigan, DiLorenzo, M. Paige, McBeath, Devine, Lanza, Manos and Turer

Bill Sponsors:

Rep. Read Rep. Kenney Rep. Gallager Rep. Levesque Rep. Preece Rep. Seibert

Rep. M. Perez

TESTIMONY

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- 1. Rep Read, Sponsor. Introduced free speech in interactive computer services.
- Housing crisis- people are concerned about having a home or having to live out of their cars.
- Bill extends a law on the books regarding manufactured home sale notification. This bill calls for notification prior to sale of a multifamily home.
- Making tenants into homeowners who will be more stapled consumers and long-term invested residents
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3. Ken Eyring, Oppose

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- This bill will create a separate class of citizens, instead of a free market.
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- Restricts property owner from a fair and timely sale.
- *Submitted written testimony

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- Very least, tenants should be notified about intent to sell.

-Respectfully Submitted, Rep. Katelyn Kuttab, Clerk

LEAN COUNTY

STATE OF NEW HAMPSHIRE OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM Roll Call Committee Registers Report

2023 SESSION

Judiciary

Bill #:	HBIIZ	Motion:	I	1L	AM #:	Exec Session Date:	8	steba?	

<u>Members</u>	YEAS	<u>Nays</u>	NV
Lynn, Bob J. Chairman	16		As STATE OF
Wallace, Scott Vice Chairman	1		
Alexander, Joe H.	2		
Andrus, Louise	3		
Testerman, Dave	4		
Stapleton, Walter A.	5		
Tripp, Richard P.	6		
Greeson, Jeffrey	7		
Kuttab, Katelyn Clerk	8		
Perez, Kristine	9		
Smith, Marjorie K.			
Horrigan, Timothy O.		2	
DiLorenzo, Charlotte I.		3	
Kenney, Cam E. Eaton, Daniel		4	
Paige, Mark		5	
McBeath, Rebecca Susan		6	
Devine, Shelley		7	
Lanza, Judi		8	
Manos, Zoe R		9	
Turer, Eric S		10	
TOTAL VOTE:	10	16	

Service Course

STATE OF NEW HAMPSHIRE OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM Roll Call Committee Registers Report

2023 SESSION

Judiciary

Bill #: 4812 Motion: Adopt Am AM #: 0252h Exec Session Date: 872623

<u>Members</u>	YEAS	<u>Nays</u>	<u>NV</u>
Lynn, Bob J. Chairman		9	
Wallace, Scott Vice Chairman		4	
Alexander, Joe H.		2	
Andrus, Louise		3	
Testerman, Dave		4	
Stapleton, Walter A.		5	
Tripp, Richard P.		6	
Greeson, Jeffrey	1		
Kuttab, Katelyn Clerk			
Perez, Kristine		8	
Smith, Marjorie K.	2		
Horrigan, Timothy O.	3		
DiLorenzo, Charlotte I.			
Kenney, Cam E. ECHON, Daniel	5		
Paige, Mark	G		
McBeath, Rebecca Susan			
Devine, Shelley	8		
Lanza, Judi	9		
Manos, Zoe R	10		
Turer, Eric S			
TOTAL VOTE:		9	

BAN ACOUNTY

STATE OF NEW HAMPSHIRE OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM Roll Call Committee Registers Report

2023 SESSION

Judiciary

Bill #: HBIIZ Motion: OTP A AM #: 2023-6352 Exec Session Date: STEB23

<u>Members</u>	YEAS	<u>Nays</u>	NV
Lynn, Bob J. Chairman		9	
Wallace, Scott Vice Chairman		1	
Alexander, Joe H.		2	
Andrus, Louise		3	
Testerman, Dave		4	
Stapleton, Walter A.		5	
Tripp, Richard P.		G	
Greeson, Jeffrey	1		
Kuttab, Katelyn Clerk		7	
Perez, Kristine		8	
Smith, Marjorie K.	2		
Horrigan, Timothy O.	3		
DiLorenzo, Charlotte I.	4		
Kenney, Cam E. Eaton, Daniel	5		
Paige, Mark	Co		
McBeath, Rebecca Susan			
Devine, Shelley	8		
Lanza, Judi	9		
Manos, Zoe R	10		
Turer, Eric S	11		
TOTAL VOTE:			