Bill as Introduced

SB 401 – AS INTRODUCED

2010 SESSION

10-2889 10/09

SENATE BILL	401
AN ACT	relative to the safety of retirement accounts.
SPONSORS:	Sen. Bragdon, Dist 11; Rep. Daniels, Hills 6
COMMITTEE:	Commerce, Labor and Consumer Protection

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ANALYSIS

This bill declares that employers offering certain retirement programs shall offer at least one option for investing such funds which is a money market fund or other similar fund.

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removed from current law appears [in brackets and struckthrough.]Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 401 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the safety of retirement accounts.

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

1 1 New Subdivision; Cash Option for Retirement Accounts. Amend RSA 275 by inserting after 2 section 69 the following new subdivision:

3

Cash Option for Retirement Accounts

4 275:70 Cash Option for Retirement Accounts. Any employer offering a retirement plan or

5 account established under the Employee Retirement Income Security Act of 1974 and as such act

- 6 may be further amended, shall provide at least one option for the investment of such funds in a
- 7 money market fund or other similar fund.
- 8 2 Effective Date. This act shall take effect upon its passage.

Committee Minutes

Printed: 01/28/2010 at 3:39 pm

SENATE CALENDAR NOTICE COMMERCE, LABOR AND CONSUMER PROTECTION

SENATI COMMERCE, LABO Senator Margaret Hassan Chairman Senator Betsi DeVries V Chairman Senator Deborah Reynolds Senator Jacalyn Cilley Senator Peter Bragdon Senator Sheila Roberge

For Use by Senate Clerk's Office ONLY			
Bill Status			
Docket			
Calendar			
Proof. Calendar Bill Status			

Date: January 28, 2010

HEARINGS

	Tuesday	2/2/2010	
COMMERCE, LABO	OR AND CONSUMER PROTECTION	LOB 102	8:30 AM
(Name of Committee	3)	(Place)	(Time)
	EXECUTIVE SESSIO	N MAY FOLLOW	
Comments: SB 3	68 was previously recessed on 1/26/10.		
8:30 AM SB368	relative to notice required unde	r the retail selling statute.	
8:45 AM SB332	relative to recording requirement	nts for mortgage and forec	losure notices.
9:00 AM SB340	relative to using credit rating fo	r purposes of automobile a	and homeowner insurance.
9:15 AM SB401	relative to the safety of retireme	ent accounts.	
9:30 AM SB429	relative to disclosure of finance		
Sponsors:			
SB368 Sen. Jacalyn Cilley Rep. David Nixon SB332 Sen. Peter Bragdon SB340 Sen. Jacalyn Cilley SB401	Sen. Deborah Reynolds Rep. Anthony DiFruscia	Sen. Bette Lasky	Sen. Robert Letourneau
Sen. Peter Bragdon	Rep. Gary Daniels		
SB429 Sen. Michael Downing	Rep. David Kidder	Rep. Rip Holden	
		$\gamma = \Omega_{\alpha}$	

stant 9:5 AM end: 9:55 pm

Danielle Barker 271-3093

Sen. Margaret Hassan

Chairman

Commerce, Labor & Consumer Protection Committee Hearing Report

To:Members of the SenateFrom:Greg Silverman, Legislative AideRe:Hearing report on SB401 - relative to the safety of retirement accounts.Hearing date:February 2, 2010

Members of the Committee Present: Senator Hassan, District 23; Senator DeVries, District 18; Senator Reynolds, District 2; Senator Roberge, District 9; Senator Bragdon, District 11; Senator Cilley, District 6.

Members of the Committee Absent: None.

Sponsors: Sen. Bragdon, Dist 11; Rep. Daniels, Hills 6.

What the bill does: This bill declares that employers offering certain retirement programs shall offer at least one option for investing such funds which is a money market fund or other similar fund.

Who supports this bill: Sen. Bragdon, Dist 11; Rep. Gary Daniels, Hills 6; Howard Wilson.

Who opposes this bill: None.

Summary of testimony received:

Senator Bragdon, District 11.

- Supports SB401.
- SB401 makes technical corrections to a bill last year that required companies to offer a retirement investment option that would, 'guarantee no loss of principal.'
 Difficult to ensure.
- This bill clarifies the language.

Rep. Gary Daniels, Hills 6.

- Supports SB401.
- This bill would help protect people's retirements.

Fiscal Note: Not applicable.

Action: None taken.

Date:February 2, 2010Time:9:52 a.m.Room:LOB 102

The Senate Committee on Commerce, Labor and Consumer Protection held a hearing on the following:

SB 401 relative to the safety of retirement accounts.

Members of Committee present:	Senator Hassan
-	Senator DeVries
	Senator Reynolds
	Senator Cilley
	Senator Bragdon
	Senator Roberge

The Chair, Senator Margaret Wood Hassan, opened the hearing on SB 401 and invited the prime sponsor, Senator Peter Bragdon, to introduce the legislation.

Senator Peter E. Bragdon, D. 11: Thank you, Madam Chair, members of the Committee. Again, Senator Bragdon, representing District 11. And, this bill is slightly similar or very similar to one that we actually saw in the first year that ended up on the table, I think, in one of those very late evenings in the Senate. And, it was near the end of the calendar and I forget exactly why... I recall the prior bill being told that there was some federal preemption issues.

Senator Margaret Wood Hassan, D. 23: Yup.

<u>Senator Peter E. Bragdon, D. 11:</u> And, the lobbyists for various investment companies said they would get back to us and I don't recall ever getting back to us. So, just to give them something to do, I thought I'd file a bill anyways.

And, what it basically does is says that any company that is offering a retirement plan or account for their employees needs to provide at least one option for the investment of the funds in a money market fund. The bill we had last session or last year said that it had to provide at least one option that guaranteed no loss of principle, which was a bit troublesome because there is no way you can guarantee no loss of principle at all. So, I made that one change and it's just to say that a money market fund or other similar fund and money market funds are well-defined instruments within the, within the investment industry.

And, you may recall the constituent of mine and of Representative Daniels, who I see in the back and might be scheduled to speak as well, had an issue where they had investment funds and the cash option was not available. The money market fund option was not available, and in a time of declining stock prices, not having that safe harbor to go into proved very debilitating to them. So, I don't think that this was, we got a full resolution of this last time. So, I decided that I would put it again with a little better language that doesn't cause quite so much grief and gives some option to the employees, to employers and employees. And, that's it.

<u>Senator Margaret Wood Hassan, D. 23:</u> Thank you. Any questions? Senator Cilley?

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. Senator Bragdon, do you know if there is still this preemption issue with ERISA laws?

<u>Senator Peter E. Bragdon, D. 11:</u> I do not know, although I know that the people who told us that last time have been informed that this would be coming back again. So, I am sure that they'd be much more happy to provide information this time.

<u>Senator Margaret Wood Hassan, D. 23:</u> Thank you. Seeing no further questions for Senator Bragdon, Representative Daniels, please.

<u>Representative Gary Daniels</u>: Thank you, Madam Chair, members of the Committee. I will do my best to get you back on schedule.

Senator Margaret Wood Hassan, D. 23: Thank you.

<u>Representative Daniels</u>: I think Senator Bragdon said most of it. This started because I got calls from constituents who lost 30 to 50% of their retirement accounts when the economy took a downturn. And, what this is, this just tries to protect people's retirement. And, I understand that you are waiting for some information on that. Hopefully, they will be a little bit more responsive than they were last year around. But, I would encourage you to go forward with this. I mean, people are waiting for this, people need it. Thank you.

<u>Senator Margaret Wood Hassan, D. 23:</u> Thank you. Any questions for Representative Daniels? Seeing none, thank you very much for your testimony. Was there anybody else who wanted to testify on Senate Bill 401? Seeing no one else, we're going to close the hearing on 401.

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Hearing closed at 9:55 a.m.

Respectfully submitted, Danielle C. Barker

Senate Secretary

2/10/10

Speakers

Senate Commerce, Labor and Consumer Protection Committee: Sign-In Sheet

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Date: February 2, 2010 Time: 9:15 a.m. Public Hearing on SB 401

SB 401

relative to the safety of retirement accounts. للواد المتوافقة المتواجات

Name	Representing					· · · · · ·
Gary Danek	co-sponsin	Support	Oppose	Speaking?	Yes X	N C
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Senate Commerce, Labor and Consumer Protection Committee: Sign-In Sheet

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Date: February 2, 2010 Time: 9:15 a.m. Public Hearing on SB 401

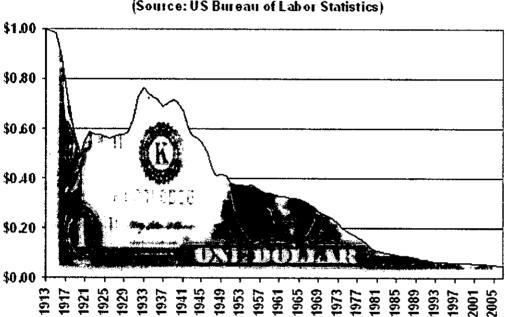
SB 401 relative to the safety of retirement accounts.

Name	Representing					
HOMBED L WILSON	LIBERTARIAN PARTY 45 CANDIDATE	Support	Oppose	Speaking?	Yes	No Ø
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		Support	Oppose	Speaking?	Yes	No
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		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No

Testimony

Subject: Why we must get rid of the Federal Reserve From: "don.stacey" <don.stacey@comcast.net> Date: Sun, 28 Sep 2008 08:46:18 -0500 To: <Undisclosed-Recipient;;>

"Let me issue and control a nation's money supply, and I care not who makes its laws."



Value of a \$1 Federal Reserve Note in 1913 Dollars (Source: US Bureau of Labor Statistics)

October 19th, 2007

<u>America's Forgotten War Against the</u> <u>Central Banks</u>

By Mike Hewitt

"Let me issue and control a nation's money supply, and I care not who makes its laws." (Mayer Amschel Rothschild, Founder of Rothschild Banking Dynasty)

Prominent Americans such as Thomas Jefferson and Andrew Jackson have argued and fought against the central banking polices used throughout Europe.

A note issued by a central bank, such as the Federal Reserve Note, is bank currency. These notes

are given to the government in exchange for an interest-bearing government bond. The primary means to pay for the interest on these bonds is to borrow more bank notes, thus beginning a vicious cycle that ultimately ends with the complete destruction of the currency and bankruptcy of the nation. History is replete with such occurrences. (For a list of countries that have experienced hyperinflation click <u>here</u>).

This begs the question as to why such a doomed system would exist? The reason is that during the course of the arrangement, which can last for centuries, the central bankers who issue the money amass great fortunes from the large sums of interest collected. In essence it is a transfer of wealth from the many to the elite few. Government leaders prefer such a system because it does not require budgets to be balanced. It is far more politically expedient to borrow, then to directly tax the citizens.

The effects of currency debasement and debt accumulation are not obvious and in the words attributed to Vladimir Lenin by John Maynard Keynes,

"By a continuing process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens...There is no subtler, no surer means of overturning the existing basis of society than to debauch the currency. The process engages all the hidden forces of economic law on the side of destruction, and does it in a manner which not one man in a million is able to diagnose." (John Maynard Keynes)

Throughout the history of the United States there has been a struggle between central bankers and their interest-bearing money and those who oppose them. In fact, the United States was created as a direct result of that struggle.....<u>http://www.dollardaze.org/blog/?post_id=00255</u>

READ THE CONSTITUTION

INFLATION what we're NOT being told!

No economic term in general usage is more widely misunderstood than inflation. This article will give you the basics about this cruel hidden tax that has taken a 1940 dollar and made it worth less than 5 cents today. What is Inflation? It is an increase in the money supply. More specifically, inflation is an increase in the supply of money and credit. Inflation is NOT and never has been rising prices and rising wages. Instead, these are two of inflations most visible damaging effects. When the money supply is increased, all money in circulation inevitably becomes less valuable. Just as when you add water to a pot of soup, each bowl contains less food value, each watered-down dollar has less buying power. When money becomes less valuable, businesses must raise prices to get the same value for their goods and services. And workers seek higher wages to compensate for a dollar that puts less bread on the table. Who can blame them? What causes Inflation? Only the federal government and the agencies it has created can cause inflation because only they control Americas money supply. To finance the deficits resulting from out-of-control federal spending, government routinely carries out manipulations that increase the amount of money in circulation. As the federal government creates ever more costly, unnecessary, and unconstitutional programs, it regularly spends more that it receives in revenue. Out of a well founded fear of voter backlash, politicians are reluctant to raise taxes to pay for their spending binges. So instead they pay for the deficits by borrowing. Americas National Debt grew from around \$1 trillion in 1980 to over \$6 trillion by 2002. (Interest on this debt costs U.S. taxpayers about one billion dollars every day!) The government often borrows by selling treasury bonds to private banks. Most of these bonds are then resold to the Federal Reserve by the banks. The Federal Reserve a creation by Congress issues newly printed paper money or bank credit to pay for the bonds. Thus, with government as a willing partner, new money is created, the supply of money is increased, and the value of all money including that in your wallet and that in your savings account is reduced. Another growing source of the National Debt is government borrowing from the so-called trust funds, the main one being Social Security. Social Security payroll taxes currently exceed the amount necessary to pay benefits to retirees. The government has for many years

routinely borrowed this payroll-tax surplus and then spent it as part of the general budget. This borrowed trust fund portion of the National Debt is referred to as intragovernmental holdings (as opposed to debt held by the public.) The politicians have borrowed and spent well over one trillion dollars in Social Security trust fund surplus.

Why Inflation is a Tax. A tax is an assessment by government on its people. Inflation of the money supply causes all money to become less valuable; it is an assessment on all who hold dollars and it thus a

tax. Its an indirect or hidden tax thats why its so popular with politicians! In fact, inflation is the most cruel and insidious form of taxation over devised. It is insidious because its so cleverly disguised and so little understood. It is cruel because it punishes most

harshly those who can least afford it, such as retirees on fixed income and the thrifty who work to remain self-sufficient in their retirement years via a planned savings.

What are the Effects of Inflation? As money becomes less valuable, a number of things happen:

Your cost of living goes up. It takes more dollars to buy the same

goods and services

The value of your savings is reduced. Dollars you saved in previous years are no longer worth as much as when you first saved them.

Future saving is discouraged. Who wants to put away a dollar if next year it will only buy a portion of what it can buy today?

Going into debt is encouraged; spend now an spay back the loan later with devalued dollars.

You are defrauded. Inflation is a clever scheme by which the government steals from the earnings and savings of its citizens.

Because inflation is so little understood, public confidence in free enterprise is undermined. Businessmen and workers are blamed for the visible harmful effects of the expansion of the money supply by government.

Eventually unless inflation is brought under control the downward spiral continues. Each new surge in the money supply causes another round of all the damaging effects. The vicious cycle speeds up until the currency becomes worthless and is repudiated (as has happened in a number of other countries). Political crisis and loss of freedom inevitably follow.

Are There Any Laws to Prevent Inflation? Prior to 1933, the amount of money in circulation was effectively limited by a requirement that a fixed percentage of Americas money be backed by gold or silver (which was payable to the bearer of the paper money on demand). But over the years, government has removed this requirement. Since 1972, our money has had no backing. The amount that can be printed is now left to the whim of spend-happy politicians and their appointed bureaucrats.

Since 1940, there has been a legal limit on the indebtedness of the federal government. But year after year, a spineless Congress routinely raises that ceiling limit on the National Debt instead of digging in its heels to bring spending under control. Thus, the borrowing cycle goes on, inflation grows, and the value of the once mighty dollar continues to shrink.

False Solutions for Fighting Inflation. Since few American understand what causes inflation, most attempted fixes are ineffective. The silliest effort was the 1974 campaign of Gerald Ford to get Americans to

wear WIN (Whip Inflation Now) buttons and to clean their dinner plates so as not to waste food. Most of these non-solutions are

based on the false, but off-repeated, assertion that inflation is rising

wages and prices.

Because of this, theres a wide belief that we can prevent inflation by controlling those wages and prices. Since this cure treats the symptoms and not the disease, it is no cure at all. Wage and price controls are about as effective in stopping inflation as is wearing earmuffs to fix your cars screeching brakes.

Not only do wage and price controls fail to stop inflation, they make matters worse. The quality of available goods begins to decline; shortages develop; black markets appear; rationing is then often instituted. Wage and price controls give national leaders great power to

wield political favor and to punish opposition. These controls are a huge step toward establishing government control of the entire economy. How Can We Stop Inflation? Inflation is caused by government. It can only be stopped by government. We must insist that our elected representatives restore a sound monetary system in America. These steps must be taken:

Stop all government spending in excess of receipts. We dont need a Balanced Budget Amendment to the Constitution as New Hampshire has requested via an Article V 2nd Constitutional Convention (still on the books). In fact, the amendment could be used to justify mandatory tax increases! All we need is a simple majority of congressmen or U.S. Senators who will refuse to support any budget that has a deficit its that simple!

Renounce any possibility of government imposing destructive wage and price controls.

Curtail all wasteful, unnecessary, or unconstitutional government programs. Dont forget: A simple majority of either chamber of Congress can refuse to fund such programs and thus starve them to death.

Issue currency that is redeemable in a precious metal. We must take whatever steps are necessary to reach that goal. Only then will a dollar once again be known around the globe by the catchphrase as good as gold.

Abolish the Federal Reserve, Congress created it; Congress can dismantle it. We must return to a money system that is guided by the free market, not by political manipulation.

Congress has the power to achieve these essential steps. No matter

who is President, Congress has the ability and the obligation to represent the people. If youve never before made your voice heard to your congressman and your U.S. Senators, the time is now! If you dont know who your congressman is, visit the John Birch Society website and find out at www.JBS.org <http://www.JBS.org>

If proper steps are taken to bring inflation to a halt, the stage will be set to usher in the greatest era of prosperity in Americas history. But if we fail to act, our long-term economic outlook is grim. We can expect monetary crises such as runaway inflation to then be used to justify imposition of rigid government controls. Worse yet, there are

those is positions of influence who would use the crises to push for an international currency to replace the sick dollar a currency to be controlled by a global central bank.

Any such international control of our money would signal the end of America as an independent sovereign nation and usher in the new world order promised by George Bush, Sr. during the first Gulf War in Kuwait. So it is clear that restoring our economic health is also a

about:blank

vital part of maintaining our freedoms. Only when enough Americans are awakened to the facts about this destructive tax will pressure mount on the politicians to act. Spread the word to your circle of family and friends about the real cause and great dangers of inflation. You can help to create an informed electorate in your community. Education is the kev! For In-depth documentation of the facts presented in this article: Please obtain a copy of Financial Terrorism by John F. McManus The great economic dangers facing America and read The Creature from Jekyll Island by G. Edward Griffin available at www.shopJBS.org <http://www.shopJBS.org> Four characteristics of MONEY = must have intrinsic value, be rare, durable and divisible "There can be no legal tender in this country ... but gold and silver. This is a constitutional principle ... of the very highest importance."-Daniel Webster stand by silent when you should speak out makes cowards of men. - Abe Lincoln If a nation expects to be ignorant & free... it expects what never was & never will be. - Thomas Jefferson Only an informed people can hope to retain - and be worthy of - that freedom with which this nation has been blessed. For a DVD illustrating the origins & Cure for "inflation", goto: www.fiatempire.com/screener.index2.html And pay only \$9.95 Howard L.Wilson 57 Agony Hill Road Andover, NH 03216 stoneanarch@tds.net Libertarian for US House, 2nd district, NH

Voting Sheets

Senate Commerce, Labor & Consumer Protection Committee EXECUTIVE SESSION

					Bill # SB	401	
Hearing dat	re: 221	0		-			
Executive so	ession date	گ_ :	-18-10	_			
Motion of: _	[TL		_	vоте: <u> </u>	2-1	
<u>Made by</u> <u>Senator:</u>	Hassan DeVries Reynolds Cilley Bragdon Roberge		<u>Seconded</u> by Senator:	Hassan DeVries Reynolds Cilley Bragdon Roberge	<u>Reported</u> <u>by Senato</u> r:	Hassan DeVries Reynolds Cilley Bragdon Roberge	
Motion of: _	· · · · · · · · · · · · · · · · · · ·	<u></u>				· · · · · · · · · · · · · · · · · · ·	-
<u>Made by</u> <u>Senator:</u>	Hassan DeVries Reynolds Cilley Bragdon Roberge		<u>Seconded</u> by <u>Senator:</u>	Hassan DeVries Reynolds Cilley Bragdon Roberge	<u>Reported</u> by Senator:	Hassan DeVries Reynolds Cilley Bragdon Roberge	
<u>Committee</u>	-	200	Present	· <u>Ves</u>	<u>No</u>	<u>Reported</u>	out by
	Senator Hassan, Chairman			<u> </u>			
Senator Reynolds			7		Y		
Senator Cilley							
Senator Bragdon				 <u> </u>		<u> </u>	
Senator Roberge							
*Amendments:					 		
Notes:	······				 		

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Committee Report

STATE OF NEW HAMPSHIRE SENATE

REPORT OF THE COMMITTEE

Date: March 18, 2010

THE COMMITTEE ON Commerce, Labor and Consumer Protection

to which was referred Senate Bill 401

AN ACT relative to the safety of retirement accounts.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 2-1

AMENDMENT# s

Senator Deborah R. Reynolds For the Committee

Danielle Barker 271-3093

New Hampshire General Court - Bill Status System

Docket of SB401

Docket Abbreviations

Bill Title: relative to the safety of retirement accounts.

Official Docket of **SB401**:

Date	Body	Description
01/06/2010	S	Introduced 1/6/2010 and Referred to Commerce, Labor and Consumer Protection; SJ 1 , Pg.8
01/28/2010	S	Hearing: February 2, 2010, Room 102, LOB, 9:30 a.m.; SC5
03/18/2010	S	Committee Report: Inexpedient to Legislate 3/24/10; SC12
03/24/2010	S	Inexpedient to Legislate, MA, VV === BILL KILLED === SJ 11, Pg.177

NH House	NH Senate			Contact Us	
	New Hampshire	General Court Informatio	on Systems		
	107 North Main Street -	State House Room 31,	Concord NH 03301		
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Other Referrals

COMMITTEE REPORT FILE INVENTORY

<u>SB401</u> ORIGINAL REFERRAL RE-REFERRAL

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4. Thi	E COMPLETED FILE IS THEN DELIVERED TO					
<u> </u>	DOCKET (Submit only the latest docket found in Bill Status)					
\checkmark	COMMITTEE REPORT					
\checkmark	CALENDAR NOTICE on which you have taken attendance					
\checkmark	HEARING REPORT (written sum	mary of hearing testimony)				
<u> </u>	HEARING TRANSCRIPT (verbatim transcript of hearing) List attachments (testimony and submissions which are part of the transcript) by number [<u>1 thru 4</u> or <u>1, 2, 3, 4</u>] here:					
\checkmark	SIGN-UP SHEET					
		not) CONSIDERED BY COMMITTEE: AMENDMENT # AMENDMENT #				
	ALL AVAILABLE VERSIONS O	F THE BILL:				
	AS INTRODUCED FINAL VERSION	AS AMENDED BY THE HOUSE AS AMENDED BY THE SENATE				
<u> </u>	✓ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript) List by letter [<u>a thru g</u> or <u>a</u> , <u>b</u> , <u>c</u> , <u>d</u>] here: <u>▲</u>					
\checkmark	EXECUTIVE SESSION REPORT					
<u></u>	OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):					
IF YOU	U HAVE A RE-REFERRED BILL, YOU ARE GOI	NG TO MAKE UP A DUPLICATE FILE FOLDER				
DATE	DELIVERED TO SENATE CLERK 7/9/1	0 20 COMMITTEE SECRETARY				