

LEGISLATIVE COMMITTEE MINUTES

SB216

Bill as
Introduced

SB 216-FN - AS INTRODUCED

2015 SESSION

15-0889

03/04

SENATE BILL **216-FN**

AN ACT relative to sales on the premises of beverage manufacturers and nano breweries.

SPONSORS: Sen. Boutin, Dist 16; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Carson,
Dist 14; Sen. Cataldo, Dist 6; Sen. Daniels, Dist 11; Sen. Little, Dist 8;
Sen. Reagan, Dist 17; Sen. Stiles, Dist 24; Sen. Watters, Dist 4

COMMITTEE: Commerce

ANALYSIS

This bill allows a beverage manufacturer or nano brewery to sell beverages for consumption on its premises without serving food.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to sales on the premises of beverage manufacturers and nano breweries.

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

1 1 New Paragraph; Beverage Manufacturer; Taproom. Amend RSA 178:12 by inserting after
2 paragraph III the following new paragraph:

3 III-a. The holder of a beverage manufacturer license may be licensed to operate a taproom.
4 The taproom license shall authorize the holder to sell beverages for consumption on the premises
5 where the beverages were manufactured. Sales for consumption on the premises shall be limited to 2
6 one-pint glass per label per person. The taproom license shall exempt the beverage manufacturer
7 from maintaining minimum food service requirements. Food and non-alcoholic beverages may be
8 provided in the taproom by a properly licensed third party food vendor, prepared on or off the
9 premises.

10 2 Nano Brewery; Taproom. Amend RSA 178:12-a, II(e) to read as follows:

11 (e) *The commission may issue a license allowing a nano brewery to operate a*
12 *taproom on the premises which shall allow the licensee to sell beer or specialty beer*
13 *produced on the premises. The taproom license shall exempt the nano brewery from*
14 *maintaining minimum food service requirements.* Sales for consumption on the premises shall
15 be limited to *2 one-pint glasses per person for holders of taproom licenses and* to one 4-ounce
16 glass per label per person *for nano breweries not holding a taproom license.*

17 3 Effective Date. This act shall take effect January 1, 2016.

SB 216-FN - FISCAL NOTE

AN ACT relative to sales on the premises of beverage manufacturers and nano breweries.

FISCAL IMPACT:

The Liquor Commission states this bill, as introduced, may increase state expenditures by \$72,782 in FY 2016, \$81,258 in FY 2017, \$84,498 in FY 2018, and \$88,011 in FY 2019. There will be no fiscal impact on state, county, and local revenues, or county and local expenditures.

METHODOLOGY:

The Liquor Commission states this bill allows a beverage manufacturer or nano brewery to obtain a taproom license where they may sell beverages for consumption on premises. The Commission assumes this bill will create 31 beer bars (17 beer manufacturers + 14 nano breweries) in the state. Consequently, the Commission states it will need an additional Liquor Examiner II position to absorb the projected workload associated with this bill because current liquor examiners will not have the capacity to do so. The following table details the new position costs:

	FY 2016	FY 2017	FY 2018	FY 2019
Liquor Examiner II Salary (LG 20, step 1)	\$20,709	\$42,848	\$44,595	\$46,509
Benefits	\$12,573	\$26,410	\$27,903	\$29,502
Current Expenses	\$3,000	\$3,000	\$3,000	\$3,000
Equipment	\$28,000	\$500	\$500	\$500
Travel	\$5,000	\$5,000	\$5,000	\$5,000
Professional Development Training & Overtime	\$3,500	\$3,500	\$3,500	\$3,500
Total	\$72,782	\$81,258	\$84,498	\$88,011

This bill does not contain an appropriation or authorization for the new position identified by the Commission. Additionally, this bill does not give the Commission the authority to charge a fee for a taproom license.

SB 216-FN - AS AMENDED BY THE SENATE

03/12/2015 0710s

2015 SESSION

15-0889
03/04

SENATE BILL **216-FN**

AN ACT relative to sales of alcoholic beverages by manufacturers.

SPONSORS: Sen. Boutin, Dist 16; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Carson,
Dist 14; Sen. Cataldo, Dist 6; Sen. Daniels, Dist 11; Sen. Little, Dist 8;
Sen. Reagan, Dist 17; Sen. Stiles, Dist 24; Sen. Watters, Dist 4

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill authorizes sales of samples of alcoholic beverages by manufacturers. Samples sold by beverage manufacturers would be for on-premises consumption.

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 Fifteen

AN ACT relative to sales of alcoholic beverages by manufacturers.

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

1 1 Liquor Manufacturer License. Amend RSA 178:6, IV to read as follows:

2 IV. A liquor manufacturer may provide to visitors *of legal drinking age* at its facility
3 samples of liquor *manufactured on the premises* for tasting. Samples [~~shall not exceed 1/2 ounce,~~
4 ~~and shall not be provided to any persons under 21 years of age~~] *may be provided either free or for*
5 *a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under*
6 *this section shall be subject to fees as established in paragraph VI.*

7 2 Rectifier License. Amend RSA 178:7, IV to read as follows:

8 IV. A rectifier may provide [~~a reasonable number of~~] samples of liquor *rectified on the*
9 *premises* for tasting to [~~a visitor~~] *visitors of legal drinking age* at its licensed rectifier facility.
10 Samples [~~shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age~~]
11 *may be provided either free or for a fee and shall be limited to one 1/2-ounce sample per*
12 *label per person. Samples sold under this section shall be subject to fees as established in*
13 *paragraph VI.*

14 3 Wine Manufacturer License. Amend RSA 178:8, III to read as follows:

15 III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery
16 for off-premises consumption any of its wines. Visitors *of legal drinking age* at said premises may
17 be provided with [~~reasonable~~] samples of wine *manufactured on the premises* for tasting.
18 *Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample*
19 *per label per person.* Pursuant to rules adopted by the commission, a wine manufacturer may
20 transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may
21 sell such products at retail in the original container.

22 4 New Paragraph; Beverage Manufacturer; Sales for On-Premises Consumption. Amend
23 RSA 178:12 by inserting after paragraph II the following new paragraph:

24 II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of,
25 legal drinking age for consumption on the premises where the beverages were manufactured. Sales
26 of samples for consumption on the premises shall be limited to one 4-ounce glass per label per
27 person.

28 5 Effective Date. This act shall take effect July 1, 2015.

LBAO
15-0889
Amended 03/27/15

SB 216-FN FISCAL NOTE

AN ACT relative to sales of alcoholic beverages by manufacturers.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the Senate (Amendment #2015-0710s), has a total fiscal impact of less than \$10,000 in each of the fiscal years 2015 through 2019.

Amendments



Amendment to SB 216-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to sales of alcoholic beverages by manufacturers.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Liquor Manufacturer License. Amend RSA 178:6, IV to read as follows:

8

9 IV. A liquor manufacturer may provide to visitors *of legal drinking age* at its facility
10 samples of liquor *manufactured on the premises* for tasting. Samples ~~[shall not exceed 1/2 ounce,~~
11 ~~and shall not be provided to any persons under 21 years of age]~~ *may be provided either free or for*
12 *a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under*
13 *this section shall be subject to fees as established in paragraph VI.*

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2 Rectifier License. Amend RSA 178:7, IV to read as follows:

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15 IV. A rectifier may provide ~~[a reasonable number of]~~ samples of liquor *rectified on the*
16 *premises* for tasting to ~~[a visitor]~~ *visitors of legal drinking age* at its licensed rectifier facility.
17 Samples ~~[shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age]~~
18 *may be provided either free or for a fee and shall be limited to one 1/2-ounce sample per*
19 *label per person. Samples sold under this section shall be subject to fees as established in*
20 *paragraph VI.*

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23 for off-premises consumption any of its wines. Visitors *of legal drinking age* at said premises may
24 be provided with ~~[reasonable]~~ samples of wine *manufactured on the premises* for tasting.
25 *Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample*
26 *per label per person.* Pursuant to rules adopted by the commission, a wine manufacturer may
27 transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may
28 sell such products at retail in the original container.

28

4 New Paragraph; Beverage Manufacturer; Sales for On-Premises Consumption. Amend
29 RSA 178:12 by inserting after paragraph II the following new paragraph:

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32 legal drinking age for consumption on the premises where the beverages were manufactured. Sales
of samples for consumption on the premises shall be limited to one 4-ounce glass per label per

Amendment to SB 216-FN

- Page 2 -



1 person.

2 5 Effective Date. This act shall take effect July 1, 2015.



2015-0250s

AMENDED ANALYSIS

This bill authorizes sales of samples of alcoholic beverages by manufacturers. Samples sold by beverage manufacturers would be for on-premises consumption.

Commerce
March 3, 2015
2015-0710s
03/10

Amendment to SB 216-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to sales of alcoholic beverages by manufacturers.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 Liquor Manufacturer License. Amend RSA 178:6, IV to read as follows:

8 IV. A liquor manufacturer may provide to visitors *of legal drinking age* at its facility
9 samples of liquor *manufactured on the premises* for tasting. Samples [~~shall not exceed 1/2 ounce,~~
10 ~~and shall not be provided to any persons under 21 years of age~~] *may be provided either free or for*
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12 *this section shall be subject to fees as established in paragraph VI.*

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15 *premises* for tasting to [~~a visitor~~] *visitors of legal drinking age* at its licensed rectifier facility.
16 Samples [~~shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age~~]
17 *may be provided either free or for a fee and shall be limited to one 1/2-ounce sample per*
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23 be provided with [~~reasonable~~] samples of wine *manufactured on the premises* for tasting.
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32 of samples for consumption on the premises shall be limited to one 4-ounce glass per label per
33 person.

34 5 Effective Date. This act shall take effect July 1, 2015.

2015-0710s

AMENDED ANALYSIS

This bill authorizes sales of samples of alcoholic beverages by manufacturers. Samples sold by beverage manufacturers would be for on-premises consumption.

Committee Minutes

SENATE COMMERCE COMMITTEE

Patrick Murphy, Legislative Aide

SB 216-FN Relative to sales on the premises of beverage manufacturers and nano breweries.

Hearing Date: February 5, 2015

Time Opened: 2:50 p.m.

Time Closed: 3:19 p.m.

Members of the Committee Present:

Senator Prescott, Senator Bradley, Senator Cataldo, Senator Soucy, Senator Pierce

Members of the Committee Absent: None

Bill Analysis: This bill allows a beverage manufacturer or nano brewery to sell beverages for consumption on its premises without serving food.

Sponsors: Sen. Boutin, Dist 16; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Cataldo, Dist 6; Sen. Daniels, Dist 11; Sen. Little, Dist 8; Sen. Reagan, Dist 17; Sen. Stiles, Dist 24; Sen. Watters, Dist 4

Who supports the bill: Sen. Boutin, Dist 16; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Cataldo, Dist 6; Sen. Daniels, Dist 11; Sen. Little, Dist 8; Sen. Reagan, Dist 17; Sen. Stiles, Dist 24; Sen. Watters, Dist 4; Robert North

Who opposes the bill: James Wilson, NH Liquor Commission; Scott Schaier, Beer Distributors of NH; Mike Somers, NH Lodging & Restaurant Association

Summary of testimony presented in support:

Sen. Boutin, Dist 16

- This bill is intended to help grow the small businesses in the beer manufacturing industry. This bill creates a "Tap Room" or a boutique place to go and have a pint of beer.
- This allows a consumer to get 2 pints of beer and includes a provision to allow the tap room to arrange for 3rd party vendor to supply food such as pre-wrapped sandwiches or a food truck.
- Suggested an amendment to strike all after "licenses" on line 15-16.
- Under current law, an operation like this would need to be a restaurant with a full kitchen. There is no intention of these places becoming restaurants.

Summary of testimony presented in opposition:

James Wilson, NH Liquor Commission

- This creates beer bars. The point of requiring food service is to make sure people don't drink too much alcohol on an empty stomach.
- The major concern is allowing a jump from 1 4oz sample of beer per label to 2 pints of beer or 32 oz of beer. The other problem with this bill is that it's not clear if this means 2 pints total or 2 pints per label.

- Discussed HB 177 which includes a maximum quantity per category of 4 4oz samples for a total of 16 oz consumption.

Scott Schaier, Beer Distributors of NH

- Believed there was an agreement that the Prime Sponsor was going to recommend ITL on this bill. The issue is that this bill blends the 3 tier system and creates a new beer bar.

Mike Somers, NH Lodging & Restaurant Association

- Agreed with Mr. Schaier's comments. Not having a food requirement for a place like this would be a huge advantage over a restaurant, it costs 100's of thousands of dollars for a full restaurant kitchen. Could live with HB 177 passing.

Fiscal Note:

FISCAL IMPACT:

The Liquor Commission states this bill, **as introduced**, may increase state expenditures by \$72,782 in FY 2016, \$81,258 in FY 2017, \$84,498 in FY 2018, and \$88,011 in FY 2019. There will be no fiscal impact on state, county, and local revenues, or county and local expenditures.

METHODOLOGY:

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Professional Development Training & Overtime	\$3,500	\$3,500	\$3,500	\$3,500
Total	\$72,782	\$81,258	\$84,498	\$88,011

This bill does not contain an appropriation or authorization for the new position identified by the Commission. Additionally, this bill does not give the Commission the authority to charge a fee for a taproom license.

Future Action: Pending

Speakers

Senate Commerce Committee: Sign-In Sheet

Date: February 5, 2015

Time: 2:20 p.m.

Public Hearing on SB 216-FN

SB 216-FN

Relative to sales on the premises of beverage manufacturers and nano breweries.

Name	Representing	Support	Oppose	Speaking?	Yes	No
✓ Sen Sharon Carson	SD # 14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Sen Kevin Awood	SD # 12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Sen Regina Brissett	SD # 19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Sen Nancy Stiles	SD # 24	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Sen Acaporn	SD # 17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Sen Costello	SD # 6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Robert North		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ James Wilson	Liquor Commission	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Schrier	Beer Distributors of NH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Senator Boutin	SD # 16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Mike Somers	NH Lodging & Restaurant Assoc	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" 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"/>

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 4, 2015

THE COMMITTEE ON Commerce

to which was referred Senate Bill 216-FN

AN ACT relative to sales on the premises of beverage
 manufacturers and nano breweries.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 0710s

Senator Russell Prescott
For the Committee

Patrick Murphy 271-8631

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 18, 2015

THE COMMITTEE ON Finance

to which was referred Senate Bill 216-FN

AN ACT relative to sales of alcoholic beverages by manufacturers.

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

OUGHT TO PASS

BY A VOTE OF: 4-2

Senator John Reagan
For the Committee

Debra Martone 271-4980

New Hampshire General Court - Bill Status System

Docket of SB216

Docket Abbreviations

Bill Title: (New Title) relative to sales of alcoholic beverages by manufacturers.*Official Docket of SB216:*

Date	Body	Description
1/8/2015	S	Introduced and Referred to Commerce; SJ 4
1/29/2015	S	Hearing: 2/5/15, Room 100, SH, 2:20 p.m.; SC8
3/4/2015	S	Committee Report: Ought to Pass with Amendment # 2015-0710s , NT, 3/12/15; SC12
3/12/2015	S	Committee Amendment 0710s, NT, AA, VV
3/12/2015	S	Ought to Pass with Amendment 0710s, NT, MA, VV; Refer to Finance Rule 4-5; SJ 8
3/18/2015	S	Committee Report: Ought to Pass, 3/26/15; SC14
3/26/2015	S	Ought to Pass: MA, VV; OT3rdg; SJ 10
3/31/2015	H	Introduced and Referred to Commerce and Consumer Affairs (in recess of 3/25/2015); HJ 28 , PG. 1299
4/1/2015	H	Public Hearing: 4/7/2015 10:00 AM LOB 302
4/7/2015	H	Subcommittee Work Session: 4/14/2015 10:00 AM LOB 302
5/6/2015	H	Executive Session: 5/12/2015 1:15 PM LOB 302
5/13/2015	H	Committee Report: Inexpedient to Legislate for Jun 3 (Vote 19-0; CC); HC 39 , PG. 1629
6/3/2015	H	Inexpedient to Legislate: MA VV

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SR 216-FN ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0250s _____ - AMENDMENT # _____
- AMENDMENT # 0710s _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

- AS INTRODUCED _____ AS AMENDED BY THE HOUSE
- _____ FINAL VERSION AS AMENDED BY THE SENATE

- OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 8-19-15


BY COMMITTEE AIDE

Referred to Finance as 2nd Committee

COMMITTEE REPORT FILE INVENTORY

SB216-FN ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
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___ CALENDAR NOTICE

___ HEARING REPORT

___ HANDOUTS FROM THE PUBLIC HEARING

___ PREPARED TESTIMONY AND OTHER SUBMISSIONS

___ SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

___ - AMENDMENT # _____ ___ - AMENDMENT # _____
 ___ - AMENDMENT # _____ ___ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

___ AS INTRODUCED ___ AS AMENDED BY THE HOUSE
 ___ FINAL VERSION ___ AS AMENDED BY THE SENATE

___ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 11/06/15

Debra A. Martore
BY COMMITTEE AIDE