LEGISLATIVE COMMITTEE MINUTES

HB355

Bill as Introduced

HB 355 - AS AMENDED BY THE HOUSE

6Jan2022... 2152h

2021 SESSION

21-0518 08/06

HOUSE BILL

355

AN ACT

relative to Keno.

SPONSORS:

Rep. Lang, Belk. 4; Rep. Johnson, Belk. 3; Rep. Hough, Belk. 3; Rep. Trottier,

Belk. 6; Rep. Bordes, Belk. 3

COMMITTEE:

Ways and Means

ANALYSIS

This bill allows licensed lottery retailers in jurisdictions that have voted to allow keno to operate keno games.

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT

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relative to Keno.

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

1 New Subparagraph; Licensed Lottery Retailers; Keno. Amend RSA 284:45, VI(a) by inserting

- after subparagraph (9) the following new subparagraph:

 (10) A lottery retailer licensed pursuant to RSA 284:21-h, if the city, town or unincorporated place where the retailer is located has voted pursuant to RSA 284:51, to allow the sale of keno. Lottery retailers licensed to sell keno under this subparagraph shall not display keno on an active screen at the retailer.)
 - 2 Issuance of License; Keno. Amend RSA 284:46, VI to read as follows:
 - IV. For retailers that apply for a license pursuant to RSA 284:45, VI (a)(1-9), the lottery commission shall only issue a license for an eligible location where keno tickets shall be sold and the game played within the area apportioned to distribute beverages pursuant to RSA 284:45. The lottery commission shall control the installation of the keno ticket terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute beverages pursuant to RSA 284:45.
- 3 Effective Date. This act shall take effect July 1, 2022.

HB 355 - AS AMENDED BY THE SENATE

6Jan2022... 2152h 03/24/2022 1131s

2021 SESSION

21-0518 08/06

HOUSE BILL

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HB 355 - AS AMENDED BY THE SENATE

6Jan2022... 2152h 03/24/2022 1131s

21-0518 08/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT

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 - unincorporated place where the retailer is located has voted pursuant to RSA 284:51, to allow the sale of keno. Lottery retailers licensed to sell keno under this subparagraph may display keno on an active screen at the retailer.
 - 2 Issuance of License; Keno. Amend RSA 284:46, VI to read as follows:
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 - 3 Effective Date. This act shall take effect July 1, 2022.

HB 355- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2022-1131s)

AN ACT

relative to Keno.

FISCAL IMPACT:

[X] State

[] County

[] Local

[] None

	Estimated Increase / (Decrease)				
STATE:	FY 2022		FY 2023	FY 2024	FY 2025
Appropriation		\$0	\$0	\$0	\$0
Revenue		\$0	\$3,116,400	\$5,882,800	\$5,882,800
Expenditures		\$0	\$67,200	\$134,400	\$134,400
Funding Source:	[] General Lottery Fund		[X] Education	[] Highway	[X] Other -

METHODOLOGY:

This bill expands the number of lottery retailers who would be eligible to offer Keno in municipalities which have approved the game (under current law, Keno is limited to retailers that hold a liquor license or similar age restricted environments). The Lottery Commission estimates there would be approximately 700 additional retailers that would offer Keno in the 91 municipalities that have authorized the game. The Lottery Commission has provided the following estimates (based on the stated assumptions):

	FY 2023*	FY 2024	FY 202 <u>5</u>
License Fees	,		
# Retailers	700	700	700
License Fees	\$500	\$500	\$500
Total License Fee Revenue	\$350,000	\$350,000	\$350,000
Gaming Revenue			
# Retailers	700	700	700
Weekly Gross Revenue - Per New Retailer	\$800	\$800	\$800
Annual Gross Revenue - All New Retailers	\$14,560,000	\$29,120,000	\$29,120,000
Anticipated Revenue After Prizes (19%)	\$2,766,400	\$5,532,800	\$5,532,800
State Expenditures			
# Retailers	700	700	700_
Retailer Monitor Cost (\$16/month)	\$96	\$192	\$192
Total State Expenditures	\$67,200	\$134,400	\$134,400
Net Lottery Revenue	\$3,049,200	\$5,748,400	\$5,748,400

^{*}Assumes start date of January 1, 2023

All net lottery revenue is transferred to the state education trust fund pursuant to RSA 284:21-j.

AGENCIES CONTACTED:

Lottery Commission

CHAPTER 288 HB 355 - FINAL VERSION

6Jan2022... 2152h 26May2022... 2056CofC

2022 SESSION

21-0518 08/06

HOUSE BILL

355

AN ACT

relative to Keno.

SPONSORS:.

Rep. Lang, Belk. 4; Rep. Johnson, Belk. 3; Rep. Hough, Belk. 3; Rep. Trottier, Belk. 6;

Rep. Bordes, Belk. 3

COMMITTEE:

Ways and Means

ANALYSIS

This bill allows licensed lottery retailers in jurisdictions that have voted to allow keno to operate keno games.

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.

CHAPTER 288 HB 355 - FINAL VERSION

6Jan2022... 2152h 26May2022... 2056CofC

21-0518 08/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT

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11 12 relative to Keno.

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

288:1 New Subparagraph; Licensed Lottery Retailers; Keno. Amend RSA 284:45, VI(a) by inserting

- after subparagraph (9) the following new subparagraph:

 (10) A lottery retailer licensed pursuant to RSA 284:21-h, if the city, town or unincorporated place where the retailer is located has voted pursuant to RSA 284:51, to allow the sale of keno. Lottery retailers licensed to sell keno under this subparagraph shall not display keno on an active
 - 288:2 Issuance of License; Keno. Amend RSA 284:46, IV to read as follows:
- IV. For retailers that apply for a license pursuant to RSA 284:45, VI (a)(1-9), the lottery commission shall only issue a license for an eligible location where keno tickets shall be sold and the game played within the area apportioned to distribute beverages pursuant to RSA 284:45. The lottery commission shall control the installation of the keno ticket terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute beverages pursuant to RSA 284:45.
 - 288:3 Effective Date. This act shall take effect July 1, 2022.

Approved: July 01, 2022 Effective Date: July 01, 2022

screen at the retailer.

Amendments

Senate Ways and Means March 16, 2022 2022-1131s 08/05

Amendment to HB 355

1	Amend RSA 284:45, VI(a)(10) as inserted by section 1 of the bill by replacing it with the following:
2	
3	(10) A lottery retailer licensed pursuant to RSA 284:21-h, if the city, town or
4	unincorporated place where the retailer is located has voted pursuant to RSA 284:51, to allow the
5	sale of keno. Lottery retailers licensed to sell keno under this subparagraph may display keno on an
6	active screen at the retailer.

Committee Minutes

SENATE CALENDAR NOTICE Ways and Means

Sen Bob Giuda, Chair

Sen Lou D'Allesandro, Vice Chair

Sen Gary Daniels, Member

Sen Erin Hennessey, Member

Sen Cindy Rosenwald, Member

Date: February 23, 2022

HEARINGS

	Wednesday	y 03/09/20:	03/09/2022		
	(Day)	(Date)			
Ways and	Means	State House 100	9:00 a.m.		
(Name of (Committee)	(Place)	(Time)		
9:00 a.m.	HB 102	establishing a commission to study worldwide method for unitary businesses under the busin			
9:10 a.m.	HB 355	relative to Keno.			
9:20 a.m.	НВ 364	revising the definition of charitable organization chance.	ons relative to games of		
9:30 a.m.	HB 527	relative to the charitable gift annuities exempt	cion.		
9:40 a.m.	HB 591-FN	relative to certain liquor license fees.			

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 102 Rep. Schamberg

HB 355

Rep. Johnson

Rep. Lang
Rep. Bordes
HB 364
Rep. Ulery

HB 527

Rep. Stapleton

Rep. Infantine HB 591-FN

Rep. Doucette Rep. Abrami

Rep. Weyler

Rep. Hough

Sen. Bradley

Rep. Trottier

Sonja Caldwell 271-2117

Bob J. Giuda Chairman

Senate Ways and Means Committee

Sonja Caldwell 271-2117

HB 355, relative to Keno.

Hearing Date:

March 9, 2022

Members of the Committee Present: Senators Giuda, Daniels, Hennessey and

Rosenwald

Members of the Committee Absent: Senator D'Allesandro

Bill Analysis:

This bill allows licensed lottery retailers in jurisdictions that have

voted to allow keno to operate keno games.

Sponsors:

Rep. Lang

Rep. Johnson

Rep. Hough

Rep. Trottier

Rep. Bordes

Who supports the bill: Rep. Abrami, Kyle Baker (NH Grocers Assoc.), Rep. Lang, Simon Thomson (New England Convenience store Assoc.)

Who opposes the bill: No one

Who is neutral on the bill: Charlie McIntyre (NH Lottery)

Summary of testimony presented:

Rep. Lang

- This bill allows for retail operations in jurisdictions that approved Keno to be able to sell Keno.
- Currently only locations with pour liquor licenses can sell Keno.
- The retail locations that are lottery agents are required and obligated to cash out those tickets, so they have to do the work without the benefit of being able to sell the ticket and possibly make revenue on that. This bill seeks to fix that inequity.
- Keno money goes to the education trust fund (ETF) so there will be an incremental increase in revenues for the state to benefit education.

Sen. Rosenwald asked why there was no fiscal note on the bill.

Rep. Lang did not know but suggested perhaps because it is likely indeterminable as it is a moving target. Some towns have Keno on their ballots for this year.

Sen. Giuda asked about the language in the bill that says lottery retailers licensed to sell Keno shall not display Keno on an active screen.

Rep. Lang said that language was added by House Ways and Means. It was not in the original bill. He wishes it were optional. He thinks businesses should have a choice on whether or not they want to display a screen. It was a compromise he accepted.

Sen. Hennessey asked him to explain what that means for those who don't know what a screen at a retailer is.

Rep. Lang said locations selling Keno have a screen showing the games that are going on. It is like any other lottery drawing in that you do not have to watch the drawing. You can buy your ticket and go back a week later and have them scan it to see if you won. Keno has a screen where the balls drop. Currently, the pour locations that operate Keno are required to have screens. He would prefer that it be optional.

Sen. Hennessey asked if it would reduce revenue if they do not have the screens up.

Rep. Lang does not see a reason why that would happen. Some retailers may want to put up a screen with the hopes of keeping people in the store longer and purchasing more items while waiting for their game to finish. Other stores are so packed they may not want a screen. The concerns that were voiced in House Ways and Means was that they didn't want Keno parlors.

Rep. Abrami

- Keno is currently only in restaurants that pour liquor.
- Heard testimony from convenient stores and grocery stores that they were cashing tickets.
- They don't like the esthetics of people standing around in \bar{a} grocery or convenient store waiting for a number to come up on a screen.
- Keno machines are same as all other devices already in the stores.
- They can have a sign that says they sell Keno.

Charlie McIntyre – Executive Director NH lottery commission

Sen. Rosenwald asked why there was no fiscal note.

Director McIntyre said he was holding a fiscal note and did not know how it did not get to the legislature. Incremental revenue is a difficult proposition. There might be a slight cannibalization of Keno sales from bars and restaurants to stores. The Lottery Commission estimates an increase of \$5.9 million in net revenue to the state. One of the difficulties is that they are not sure how many stores will adopt it. A supermarket is not going to put a screen up, but some convenience stores that serve lunch might. He added that this estimate is a conservative number. They are running ahead of what they initially anticipated for Keno revenue.

Sen. Daniels asked if the bill as amended causes an advantage or disadvantage for one location versus another with regard to the display screen.

Director McIntyre said no. They leave it to retailers in terms of what equipment is brought in. If you have a Keno sale without a screen, it would be indistinguishable from a Powerball ticket. It would be a choice of the business.

Simon Thomson – Sheehan Phinney – New England Convenience Store and Energy Marketers Association

- They represent convenience stores and fuel industry transportation in NH.
- 850 convenience stores across NH.
- They employ 14000 people.
- They supported the bill as introduced.

- They would like to see the bill go back to its original form and allow the option to have a screen in stores. They do not want it mandatory to have screens, but business owners should have that option.
- This industry is evolving from small stores to stores that have a larger footprint.

Sen. Rosenwald asked if his clients are opposed to the bill as amended by the House.

Mr. Thomson said they want the option to sell Keno no matter what, but they would like the option to have screens.

Sen. Daniels asked Director McIntyre to clarify his answer to Sen. Daniels' earlier question. Director McIntyre said the decision regarding screens was left to the business owner.

Director McIntyre said current law does not require every establishment to have a monitor. Keno can be sold without a monitor. The way this bill is written, the stores would have what is known as blind Keno which is when you buy a ticket and leave.

sc Date Hearing Report completed: March 10, 2022

Speakers

SENATE WAYS & MEANS COMMITTEE

<u>Date 03/9/22</u>		22	Time 19:10 a.m.		<u>Public Hearing on</u>			HB355	
				(relo	ative to Keno.)				
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Testimony



March 8, 2022

Testimony by the New England Convenience Store & Energy Marketers Association

New Hampshire General Court Senate Ways & Means Committee

RE: HB 355 as amended - An Act relative to Keno.

Chair Guida, Vice-Chair D'Allesandro, and Members of the Committee:

The New England Convenience Store & Energy Marketers Association (NECSEMA) represents the convenience store and transportation fuel industries in New Hampshire, and throughout New England. NECSEMA members wholesale and/or retail most of the motor fuels sold in the state. Across New Hampshire, there are over 850 convenience stores (of which 650 sell motor fuels) and employ close to 14,000 people.

NECSEMA appreciates the opportunity to provide comments in support for this measure. As introduced, HB 355 allows duly licensed lottery agents, with municipal concurrence, at their choosing to operate Keno games on premise. As amended by the House the bill currently prohibits game display screens. NECSEMA supports this bill; however, prohibiting screens contradicts the game's design and limits the value the game may bring to retail lottery agents.

NECSEMA believes the amendment restricting screens is unwarranted, given that store owners for whatever reason have the option to not offer Keno games or if they do to determine whether to include screens. NECSEMA supports removing the screen limit currently in HB 355 as amended and allow retailers the opportunity to choose.

Thank you for your thoughtful consideration of our position on this matter.

Respectfully,

Brian P. Moran

Director Government Affairs

Bir P. Mu

Voting Sheets

Senate Ways & Means Committee EXECUTIVE SESSION RECORD

2021-2022 Session

2-9-22	Bill # HB 3555
Hearing date: 3-9-32	
Executive Session date: 3-16-22	
Motion of: Amend	Vote:
Sen. D'Allesandro, VC Sen. Daniels Sen. Hennessey	Second Yes No U U U U U U U U U U U U U U U U U U
Motion of: OTP/A	Vote:5-0
Committee Member Present Made by Sen. Giuda, Chair Sen. D'Allesandro VC Sen. Daniels Sen. Hennessey	
Motion of: CONSENT	Vote:50
Committee Member Present Made by Sen Giuda, Chair Sen. D'Allesandro, VC Sen Daniels Sen. Hennessey Sen Rosenwald	Second Yes No
Reported out by: Daniels	
Notes:	· · · · · · · · · · · · · · · · · · ·
	
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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE FOR THE CONSENT CALENDAR

Wednesday, March 16, 2022

THE COMMITTEE ON Ways and Means

to which was referred HB 355

AN ACT

relative to Keno.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF:

5-0

AMENDMENT # 1131s

Senator Gary Daniels For the Committee

This bill allows licensed lottery retailers located in jurisdictions that have voted to allow the sale of Keno to sell Keno. This is a fairness issue as under current law, licensed lottery retailers are required to cash out Keno winnings, but they cannot enjoy the benefit of selling Keno. The committee amended the bill to allow these businesses to decide for themselves whether or not they wish to display Keno on an active screen at their location. The Lottery Commission testified that they estimate an increase of \$5.9 million in net revenue to the state from the passage of this bill.

Sonja Caldwell 271-2117

FOR THE CONSENT CALENDAR

WAYS AND MEANS

HB 355, relative to Keno. Ought to Pass with Amendment, Vote 5-0. Senator Gary Daniels for the committee.

This bill allows licensed lottery retailers located in jurisdictions that have voted to allow the sale of Keno to sell Keno. This is a fairness issue as under current law, licensed lottery retailers are required to cash out Keno winnings, but they cannot enjoy the benefit of selling Keno. The committee amended the bill to allow these businesses to decide for themselves whether or not they wish to display Keno on an active screen at their location. The Lottery Commission testified that they estimate an increase of \$5.9 million in net revenue to the state from the passage of this bill.

General Court of New Hampshire - Bill Status System

Docket of HB355

Docket Abbreviations

Bill Title: relative to Keno.

Official Docket of HB355.:

Date	Body	Description
1/9/2021	Н	Introduced (in recess of) 01/06/2021 and referred to Ways and Means HJ 2 P. 44
1/27/2021	Н	Public Hearing: 02/11/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/99381153388 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/18/2021	н	==CANCELLED== Full Committee Work Session: 03/02/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94528213728 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/18/2021	Н	Full Committee Work Session: 03/03/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/92309184005 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/9/2021	Н	Retained in Committee
8/18/2021	Н	Full Committee Work Session: 09/07/2021 09:30 am LOB 202 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
9/8/2021	Н·	Subcommittee Work Session: 09/14/2021 01:00 pm LOB 104
8/18/2021	Н	==CANCELLED== Full Committee Work Session: 09/28/2021 09:30 am LOB 202 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
9/21/2021	Н	Subcommittee Work Session: 09/28/2021 09:00 am LOB 104
9/21/2021	Н	Executive Session: 09/28/2021 09:30 am LOB 205-207
11/12/2021	Н	Committee Report: Ought to Pass with Amendment #2021-2152h 09/28/2021 (Vote 19-5; RC) HC 48 P. 45
1/9/2022	Н	Amendment #2021-2152h: AA VV 01/06/2022
1/9/2022	Н	Ought to Pass with Amendment 2021-2152h: MA VV 01/06/2022
1/18/2022	S	Introduced 01/05/2022 and Referred to Ways and Means; SJ 2
2/23/2022	S	==TIME CHANGE== Hearing: 03/09/2022, Room 100, SH, 10:10 am; SC 10A
3/16/2022	S	Committee Report: Ought to Pass with Amendment #2022-1131s, 03/24/2022; Vote 5-0; CC; SC 12
3/24/2022	S	Committee Amendment #2022-1131s, AA, VV; 03/24/2022; SJ 6
3/24/2022	S	Ought to Pass with Amendment 2022-1131s, MA, VV; OT3rdg; 03/24/2022; SJ 6
5/10/2022	Н	House Non-Concurs with Senate Amendment 2022-1131s and Requests CofC (Reps. Abrami, Spilsbury, Janigian, Ames): MA VV 05/05/2022 HJ 12
5/12/2022	S	Sen. Giuda Accedes to House Request for Committee of Conference, MA, VV; 05/12/2022; SJ 12

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5/12/2022	S	President Appoints: Senators Giuda, Daniels, D'Allesandro; 05/12/2022; SJ 12
5/16/2022	Н	Conference Committee Meeting: 05/16/2022 09:00 am LOB 202-204
5/16/2022	Н	==CANCELLED== Conference Committee Meeting: 05/16/2022 09:00 am LOB 202-204
5/17/2022	Н	==RECESSED== Conference Committee Meeting: 05/17/2022 11:00 am LOB 202-204
5/18/2022	Н	Conference Committee Meeting: 05/18/2022 12:00 pm LOB 202-204
5/19/2022	S	Conference Committee Report Filed, #2022-2056c ; 05/26/2022 SJ 13
5/26/2022	S	Conference Committee Report #2022-2056c, Adopted, VV; 05/26/2022; SJ 13
5/26/2022	Н	Conference Committee Report 2022-2056c: Adopted, VV 05/26/2022 HJ 14
6/22/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/22/2022	Н	Enrolled (in recess of) 05/26/2022 HJ 14
7/7/2022	Н	Signed by Governor Sununu 07/01/2022; Chapter 288; 07/01/2022 HJ 14

NH House	NH Senate

Other Referrals

1	Committee of Conference Report on HB 355, relative to Keno.						
2	Recommendation:						
4		of nonconcurrence with the Senate amendment, and					
5	That the Senate recede from its position in adopting its amendment to the bill, and						
6	That the Senate and House each pass the bill as amended by the House.						
	The signatures below attest to the authentici	ity of this Report on HB 355, relative to Keno.					
	Conferees on the Part of the Senate	Conferees on the Part of the House					
	Sen. Giuda, Dist. 2	Rep. Abrami, Rock. 19					
	Sen. Gluda, Dist. 2	Nep. Adraini, Nock. 13					
	Sen. Daniels, Dist. 11	Rep. Bershtein, Rock. 2					
	Sen. D'Allesandro, Dist. 20	Rep. Janigian, Rock. 8					
		Rep. Ames, Ches. 9					

Senate Inventory Checklist for Archives

Bill Number: HB 355	Senate Committee: Ways & Means
Please include all documents in the order listed belincluded with an "X" beside	ow and indicate the documents which have been
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 Ai	des)
All amendments considered in committee (including	z those not adopted):
amendment # 11315 am	endment#
amendment # am	endment#
Executive Session Sheet	
Committee Report	
Floor Action Documents: {Clerk's Office}	
All floor amendments considered by the body durin	g session (only if they are offered to the senate):
amendment# am	endment#
amendment # am	endment#
Post Floor Action: (if applicable) (Clerk's Office	ce}
	off by all members. Include any new language proposed
Enrolled Bill Amendment(s)	
Governor's Veto Message	
All available versions of the bill: (Clerk's Offic	ee)
✓ as amended by the senate	as amended by the house
final version	
Completed Committee Report File Delivered	o the Senate Clerk's Office By:
SC	<u>6-3-∂∂</u> Date
Committee Aide	Date
Senate Clerk's Office	