

# Bill as Introduced

HB 510 - AS INTRODUCED

2009 SESSION

09-0773  
05/01

HOUSE BILL           **510**

AN ACT               relative to the position of director of vital records administration.

SPONSORS:           Rep. Pilotte, Hills 16; Rep. D. Petterson, Rock 10

COMMITTEE:          Executive Departments and Administration

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ANALYSIS

This bill removes the requirement that the governor and council approve the appointment by the secretary of state of the director of vital records administration.

This bill is a request of the secretary of state.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to the position of director of vital records administration.

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

1           1 Director of Vital Records Administration. Amend RSA 5-C:2, I to read as follows:

2           I. There is established within the department of state a division of vital records  
3 administration under the supervision of a director of vital records administration. The secretary of  
4 state [~~with the approval of the governor and council,~~] shall appoint the director of vital records  
5 administration. In addition to the title of director, the director shall also be known as the state  
6 registrar. The director of vital records administration shall be academically and technically qualified  
7 to hold the position. The director shall be a citizen of this state or become a citizen of this state  
8 within one year of the director's appointment.

9           2 Effective Date. This act shall take effect 60 days after its passage.

HB 510 - AS AMENDED BY THE HOUSE

06Jan2010... 2009-2518h

2009 SESSION

09-0773

05/01

HOUSE BILL           **510**

AN ACT               relative to the position of director of vital records administration.

SPONSORS:           Rep. Pilotte, Hills 16; Rep. D. Petterson, Rock 10

COMMITTEE:          Executive Departments and Administration

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AMENDED ANALYSIS

This bill clarifies the duties and responsibilities of the state registrar.

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                      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 Nine*

AN ACT relative to the position of director of vital records administration.

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

1 Division of Vital Records Administration. Amend RSA 5-C:2 to read as follows:

2 5-C:2 Division of Vital Records Administration Established.

3 I. There is established within the department of state a division of vital records  
4 administration under the supervision of a director of vital records administration. The secretary of  
5 state, with the approval of the governor and council, shall appoint the director of vital records  
6 administration, **who shall be known as the state registrar and who shall be an unclassified**  
7 **employee.** [~~In addition to the title of director, the director shall also be known as the state~~  
8 ~~registrar.] The director of vital records administration shall be academically and technically~~  
9 qualified to hold the position. The director shall be a citizen of this state [~~or become a citizen of this~~  
10 ~~state within one year of the director's appointment]. **The term of office for the state registrar**~~  
11 **shall be 4 years. Any vacancy shall be filled for the remainder of the unexpired term.**

12 II. [~~The director shall:~~

13 (a) ~~Be responsible for the day-to-day operations of the division.~~

14 (b) ~~Plan and provide operational resources as available, for the establishment and~~  
15 ~~support of a statewide vital records registration, issuance, and dissemination program.] **The salary**~~  
16 **of the state registrar shall be as specified in RSA 94:1-a and shall be determined in**  
17 **accordance with the procedure in RSA 94:1-d and RSA 14:14-c.**

18 2 Registrar of Vital Records; Privacy; Duties. Amend RSA 5-C:4, I to read as follows:

19 I. The [~~secretary of state shall appoint the] **state** registrar [~~of vital records for the state~~  
20 ~~who], under the supervision of the secretary of state, shall have charge of the vital records of the~~  
21 state and shall enforce the provisions of law in relation to them. **The state registrar shall be**  
22 **responsible for the day-to-day operations of the division and shall plan and provide**  
23 **operational resources, as available, to establish and support a statewide vital records**  
24 **registration, issuance, and dissemination program.**~~

25 3 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 122  
HB 510 - FINAL VERSION

06Jan2010... 2009-2518h

2010 SESSION

09-0773  
05/01

HOUSE BILL           **510**

AN ACT               relative to the position of director of vital records administration.

SPONSORS:           Rep. Pilotte, Hills 16; Rep. D. Petterson, Rock 10

COMMITTEE:          Executive Departments and Administration

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CHAPTER 122  
HB 510 – FINAL VERSION

06Jan2010... 2009-2518h

09-0773  
05/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to the position of director of vital records administration.

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

1 122:1 Division of Vital Records Administration. Amend RSA 5-C:2 to read as follows:

2 5-C:2 Division of Vital Records Administration Established.

3 I. There is established within the department of state a division of vital records  
4 administration under the supervision of a director of vital records administration. The secretary of  
5 state, with the approval of the governor and council, shall appoint the director of vital records  
6 administration, ***who shall be known as the state registrar and who shall be an unclassified***  
7 ***employee.*** [~~In addition to the title of director, the director shall also be known as the state~~  
8 ~~registrar.] The director of vital records administration shall be academically and technically~~  
9 qualified to hold the position. The director shall be a citizen of this state [~~or become a citizen of this~~  
10 ~~state within one year of the director's appointment)]. ***The term of office for the state registrar***  
11 ***shall be 4 years. Any vacancy shall be filled for the remainder of the unexpired term.***~~

12 II. [~~The director shall:~~

13 (a) ~~Be responsible for the day-to-day operations of the division.~~

14 (b) ~~Plan and provide operational resources as available, for the establishment and~~  
15 ~~support of a statewide vital records registration, issuance, and dissemination program.] ***The salary***  
16 ***of the state registrar shall be as specified in RSA 94:1-a and shall be determined in***  
17 ***accordance with the procedure in RSA 94:1-d and RSA 14:14-c.***~~

18 122:2 Registrar of Vital Records; Privacy; Duties. Amend RSA 5-C:4, I to read as follows:

19 I. The [~~secretary of state shall appoint the~~] ***state*** registrar [~~of vital records for the state~~  
20 ~~who)], under the supervision of the secretary ***of state***, shall have charge of the vital records of the  
21 state and shall enforce the provisions of law in relation to them. ***The state registrar shall be***  
22 ***responsible for the day-to-day operations of the division and shall plan and provide***  
23 ***operational resources, as available, to establish and support a statewide vital records***  
24 ***registration, issuance, and dissemination program.***~~

25 122:3 Effective Date. This act shall take effect 60 days after its passage.

26 Approved: June 9, 2010

27 Effective Date: August 8, 2010

# Committee Minutes



**SENATE CALENDAR NOTICE  
EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Senator Jacalyn Cilley Chairman ✓  
 Senator Martha Fuller Clark V Chairman ✓  
 Senator Betsi DeVries ✓  
 Senator Michael Downing  
 Senator Sharon Carson ✓

*Start 2:04 pm  
 end 2:10 pm*

For Use by Senate Clerk's Office ONLY		
<input type="checkbox"/>	Bill Status	
<input type="checkbox"/>	Docket	
<input type="checkbox"/>	Calendar	
Proof:	<input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

**Date: April 7, 2010**

**HEARINGS**

**Tuesday**

**4/13/2010**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**LOB 101**

**2:00 PM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

2:00 PM	HB510	relative to the position of director of vital records administration.
2:15 PM	HB1158	changing the name of the institutional review board to the vital records privacy board for health-related research.
2:30 PM	HB1271	(New Title) establishing a task force on work and family.
2:45 PM	HB1304	(New Title) extending the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process.
3:00 PM	HB1415	relative to the donation of official records of state governors and members of Congress to the state of New Hampshire.

**Sponsors:**

**HB510**

Rep. Maurice Pilotte

Rep. Don Petterson

**HB1158**

Rep. Maurice Pilotte

Rep. Joan Schuize

Rep. Joan Flurey

**HB1271**

Rep. Mary Gile

Sen. Sheila Roberge

Sen. Martha Fuller Clark

Rep. Rip Holden

**HB1304**

Rep. Barbara Shaw

Rep. Julie Brown

Rep. Jane Johnson

**HB1415**

Rep. James Splaine

Rep. Paul McEachern

# Executive Departments & Administration Committee Hearing Report

**TO:** Members of the Senate

**FROM:** Patrick Murphy, *Legislative Aide*

**RE:** Hearing report on HB510 relative to the position of director of vital records administration.

**HEARING DATE:** April 13, 2010

**MEMBERS OF THE COMMITTEE PRESENT:**

Senator Cilley (Dist 6), Senator Fuller Clark (Dist 24), Senator DeVries (Dist 18),  
Senator Carson (Dist 14)

**MEMBERS OF THE COMMITTEE ABSENT:**

Senator Downing (Dist 22)

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**Sponsor(s):**

Rep. Pilotte, Hills 16; Rep. D. Petterson, Rock 10

**What the bill does:**

This bill clarifies the duties and responsibilities of the state registrar.

**Supporters of the bill:**

Rep. Pilotte, Hills 16; Rep. D. Petterson, Rock 10; Rep. Hawkins, House ED&A  
Committee; David Scanlan, Deputy Secretary of State

**Those in opposition to the bill:**

None

**Speaking to the bill/Neutral:**

None

**Summary of testimony received:**

Rep. D. Petterson, Rock 10

- This bill was a request of the Secretary of State to change the status of the Director of Vital Records. This will de-politicize the position and make it more attractive and easier to fill.

David Scanlan, Deputy Secretary of State

- This is a result of a recent audit finding. There are two different statutes that conflict relative to the classification of this position. The current position is classified, and this bill will make it unclassified. By making this change the position will be less political.
- The state registrar shall be responsible for the day-to-day operations of the division and shall plan and provide operational resources, as available; to establish and support a statewide vital records registration, issuance, and dissemination program.

**Funding:**

None

**Action:**

Senator Fuller Clark made a motion of ought to pass and was seconded by Senator DeVries. The vote was 4-0; Senator Fuller Clark will report this bill to the floor.

AM

Date: April 13, 2010  
Time: 2:04 p.m.  
Room: LOB 101

The Senate Committee on Executive Departments and Administration held a hearing on the following:

HB 510 relative to the position of director of vital records administration.

Members of Committee present: Senator Cilley  
Senator Fuller Clark  
Senator DeVries  
Senator Carson

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The Chair, Senator Jacalyn L. Cilley, opened the hearing on HB 510 and invited Representative Don Petterson to introduce the legislation.

Senator Jacalyn L. Cilley, D. 6: I'd like to open up the hearing on House Bill 510 and recognize, Representative Petterson, you're here? Okay, come forward. Thank you. Welcome.

Representative Don Petterson: Thank you, Madam Chair. Good afternoon, Senators. For the record, my name is Don Petterson, I'm the Representative of Rockingham District 10, Town of Brentwood. Representative Pilotte is the sponsor of this bill and he normally would be here, but he's in Israel.

Senator Jacalyn L. Cilley, D. 6: That's right, I knew he had a big trip coming up.

Senator Sharon M. Carson, D. 14: Oh, very nice.

Representative Petterson: Have any of you ever been there?

Senator Sharon M. Carson, D. 14: No, no.

Representative Petterson: It's fantastic.

Senator Sharon M. Carson, D. 14: Beautiful.

Representative Petterson: You don't have to be religious to appreciate ...

Senator Sharon M. Carson, D. 14: The history.

Representative Petterson: ...the sense of history you get just from being there.

HB 510 was introduced at the request of the Secretary of State. The essence of the bill is to change the status of the Director of Vital Records from unclassified to a classified position. By doing so, it would put the individual in that job under personnel rules and therefore depoliticize the position. The change would also make it more attractive for someone to fill the position, make it easier to fill, as far as I can recall from the testimony. If I'm wrong, or if there are any more details that I haven't covered that you would like to be covered, David Scanlan, the Deputy Secretary of State is behind me.

Senator Jacalyn L. Cilley, D. 6: He's signed up to speak, so.

Representative Petterson: So.

Senator Jacalyn L. Cilley, D. 6: Well, thank you, Representative Petterson. Before you leave, however, are there any questions for Representative Petterson? Seeing none, thank you very, very much.

Representative Petterson: You're quite welcome.

Senator Jacalyn L. Cilley, D. 6: And call on Deputy Secretary of State David Scanlan.

Deputy Secretary of State David Scanlan: Thank you, Madam Chair, members of the Committee. I'm David Scanlan, Deputy Secretary of State. I'm here in support of this bill.

This bill actually came out of an audit finding that we recently had that kind of pointed out that there was a conflict in the statute. There were two different sections in the portion that dealt with the Director of Vital Records, that implied in one section that it was a non-classified position. Then in another, it implied that it was a classified post. So after some lengthy review and deliberation by the House, this bill was actually re-referred. The bill came out in this format where the State Registrar and/or Director of Vital Records will be an unclassified position. That the salary will be determined through the process that is established in RSA 94:1-a and the appointment would be made by the Secretary of State with the approval of the Governor and Council.

The extra language that you see in here is just, it's just kind of moves, it moves language around between the two sections to make it more, and I think that this legislation as sponsored by Representative Pilotte and Petterson does that. Be happy to answer any questions.

Senator Jacalyn L. Cilley, D. 6: Thank you. Are there questions for the Deputy Secretary? Dave, I have a, I guess I misunderstood and I read this before, so I don't know where the misunderstanding came. I thought Representative Petterson testified to the fact that moving this to a classified position would depoliticize it. But it's actually being moved to an unclassified position, am I correct?

Deputy Secretary of State Scanlan: The current, the acting Director, Steve Wurtz, is here today. In a classified capacity, as was Bill Bolton, who was the prior Director.

The language is very similar to the way we appoint the State Archivist. And for those of you that know Dr. Mevers and the position of Archivist, it's not a very political position. And this one would be along the same lines.

Senator Jacalyn L. Cilley, D. 6: It shouldn't be either.

Deputy Secretary of State David Scanlan: Right.

Senator Jacalyn L. Cilley, D. 6: Right. Okay. Last call for any questions? With that, thank you very much. Representative Hawkins, you're just here to answer questions if we have any? And it doesn't appear that we have any, so with that ... Yeah?

Representative Ken Hawkins: This is the Hay Group, employee classification committee.

Senator Jacalyn L. Cilley, D. 6: Okay. Did you want to come forward?

Representative Hawkins: No, I just wanted, that's the ...

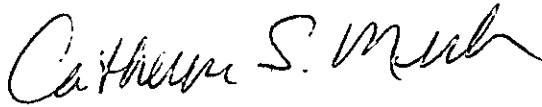
Senator Jacalyn L. Cilley, D. 6: Okay, so this is another one that ...

Representative Hawkins: 94:1-a.

Senator Jacalyn L. Cilley, D. 6: Okay, alright. So with that, I'll close the hearing on House Bill 510.

Hearing concluded at 2:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine S. Mullen". The signature is written in a cursive style with a large initial "C".

Catherine S. Mullen  
Senate Secretary  
4/15/10

# Speakers



# Senate Executive Departments and Administration Committee: Sign-In Sheet

Date: April 13, 2010

Time: 2:00 pm Public Hearing on HB 510

HB 510

relative to the position of director of vital records administration.

**Name PLEASE PRINT Representing**

<input checked="" type="checkbox"/> DON PETERSON	ED & A	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<input checked="" type="checkbox"/> DAVID SCANLAN	DEPUTY SECRETARY OF STATE	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<input checked="" type="checkbox"/> Ken Hawkins	ED & A	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

# Voting Sheets

# Senate ED&A Committee

## EXECUTIVE SESSION

Bill # HB 510

Hearing date: 4-13-10

Executive session date: 4-13-10

Motion of: OJP

VOTE: 7-4-0

**Made by** Cilley   
**Senator:** Fuller Clark   
 DeVries   
 Downing   
 Carson

**Seconded** Cilley   
**by Senator:** Fuller Clark   
 DeVries   
 Downing   
 Carson

**Reported** Cilley   
**by Senator:** Fuller Clark   
 DeVries   
 Downing   
 Carson

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

**Made by** Cilley   
**Senator:** Fuller Clark   
 DeVries   
 Downing   
 Carson

**Seconded** Cilley   
**by Senator:** Fuller Clark   
 DeVries   
 Downing   
 Carson

**Reported** Cilley   
**by Senator:** Fuller Clark   
 DeVries   
 Downing   
 Carson

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Cilley, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator DeVries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Downing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_  
 \_\_\_\_\_

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: April 13, 2010

THE COMMITTEE ON Executive Departments and Administration  
to which was referred House Bill 510

AN ACT                      relative to the position of director of vital records  
administration.

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

**OUGHT TO PASS**

BY A VOTE OF:    4-0

AMENDMENT #        s

Senator Martha Fuller Clark  
For the Committee

Cathy Mullen 271-3067

## New Hampshire General Court - Bill Status System

**Docket of HB510**

Docket Abbreviations

**Bill Title:** relative to the position of director of vital records administration.*Official Docket of HB510:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
01/08/2009	H	Introduced and Referred to Executive Departments and Administration; <b>HJ 12</b> , PG.231
02/04/2009	H	Public Hearing: 2/19/2009 1:45 PM LOB 306
02/18/2009	H	Executive Session: 3/3/2009 2:00 PM LOB 306
03/06/2009	H	Retained in Committee
05/13/2009	H	Retained Bill - Subcommittee Work Session: 5/26/2009 1:00 PM LOB 306
10/30/2009	H	Retained Bill - Executive Session: 11/19/2009 10:00 AM LOB 306
11/20/2009	H	Committee Report: Ought to Pass with Amendment #2518h for Jan 6 CC (vote 18-0); <b>HC 2</b> , PG.82
11/20/2009	H	Proposed Committee Amendment #2518h; <b>HC 1</b> , PG.22-23
01/06/2010	H	Amendment #2518h Adopted, VV; <b>HJ 6</b> , PG.261
01/06/2010	H	Ought to Pass with Amendment #2518h: MA VV; <b>HJ 6</b> , PG.261
03/24/2010	S	Introduced and Referred to Executive Departments and Administration; <b>SJ 11</b> , Pg.259
04/08/2010	S	Hearing: April 13, 2010, Room 101, LOB, 2:00 p.m.; <b>SC15</b>
04/15/2010	S	Committee Report: Ought to Pass 4/21/10; <b>SC16</b>
04/21/2010	S	Without Objection, Chair moved to Special Order to 04/28/10; <b>SJ 15</b> , Pg.303
04/21/2010	S	Committee Report: Ought to Pass 4/21/10
04/28/2010	S	Ought to Pass, MA, VV; OT3rdg; <b>SJ 16</b> , Pg 338
04/28/2010	S	Passed by Third Reading Resolution; <b>SJ 16</b> , Pg.353
05/12/2010	H	Enrolled; <b>HJ 41</b> , PG.2097
05/12/2010	S	Enrolled; <b>SJ 18</b> , Pg.504
06/15/2010	H	Signed by the Governor 06/09/2010; Effective 08/08/2010; Chapter 0122

NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems*  
 107 North Main Street - State House Room 31, Concord NH 03301

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB 510 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY 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 on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: \_\_\_\_\_

SIGN-UP SHEET

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

\_\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: \_\_\_\_\_

EXECUTIVE SESSION REPORT

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

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

9-14-10

Carlene S. Muth  
COMMITTEE SECRETARY