

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN BRENT R. CROMLEY**, on February 4, 2005
at 3:05 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Brent R. Cromley, Chairman (D)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Duane Grimes (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Trudi Schmidt (D)
Sen. Dan Weinberg (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Rita Tenneson, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 328, 1/31/2005; SB 308,
1/27/2005; SB 310, 1/27/2005
Executive Action: SB 52; SB 154; SB 275; SB 297
SB 273

HEARING ON SB 328**Opening Statement by Sponsor:**

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on **SB 328**, Task force in Department of Health and Human Services (DPHHS) to study prevalence, awareness, and care for cervical cancer.

SEN. SQUIRES explained that cervical cancer affects women in their younger lives and is a life-threatening disease. She handed the Committee information from Lieutenant Governor Carl Ohs, who served on the task force at the National Lieutenant Governors Conference. He presented the resolution, included in exhibit 1, to the Conference. She handed out a statistic sheet and a cancer graph.

EXHIBIT (phs28a01)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 7}

Proponents' Testimony:

Kathy McGowan, American Cancer Society, spoke in support of the bill. She asked that the legislation be carefully coordinated with the comprehensive cancer plan.

Opponents: None.

Informational Testimony:

Susan Miller, Cancer Control Supervisor at DPPHS, a new Bureau, in which she is the temporary program manager for the Montana breast and cervical health program. She gave the Committee information on tumor registry data. She would like to see the task force, if it is formed, under the umbrella of the comprehensive cancer control program.

EXHIBIT (phs28a02)

{Tape: 1; Side: A; Approx. Time Counter: 7 - 14.8}

Questions from Committee Members and Responses:

SEN. WEINBERG asked **SEN. SQUIRES** if the fiscal note was dependent upon the passage of **HB 2** and she told him yes. **SEN. WEINBERG** then asked her if she was comfortable with that, or if there should be an amendment to protect the bill from that possibility. **SEN. SQUIRES** would like the bill protected, but needed to make a coordination with DPHHS. She thought there may be some people in

DPHHS willing to fill spots on the Board, then there may not be a fiscal impact.

SEN. CROMLEY didn't understand the fiscal note. The bill appeared to create a task force, create a size and a number of meetings, but the note had no expense at all. **SEN. SQUIRES** wondered the same thing. **SEN. CROMLEY** deferred the question to **Ms. Miller** who told him they have a new grant, called the Comprehensive Cancer Control Planning Grant. With this grant, they have been able to support the coalition meetings, and expenses associated with them, as well as expenses in developing a plan. Part of **HB 2** gives them authority for 100% funding.

{Tape: 1; Side: A; Approx. Time Counter: 14.8 - 20}

SEN. ESP asked **Ms. Miller** if she thought they could do this under the grant. **Mrs. Miller** said it was low on their priority list. The Department would recommend including cervical cancer in the Comprehensive Cancer Control Plan. They would maintain what they are doing well now, and work to provide screening services for women who do not receive this through the current programs.

SEN. CROMLEY asked **Mrs. Miller** how she saw a difference going forward, if the bill did or did not pass. Her answer was, it would depend upon whether the human papillomavirus (HPV) vaccine was approved by the FDA and becomes a standard of care used in that population. Until then, she didn't see any difference. Screening will always be the standard for cervical cancer.

Closing by Sponsor:

SEN. SQUIRES, in closing, said Montana needs to be "on the wagon" when the vaccine comes around. She said people need to keep going to the doctor for cancer screening and asked the Committee to keep cancer in mind as it could be one of them, or their loved ones, suffering though it. She hoped they would pass her bill.

HEARING ON SB 308

Opening Statement by Sponsor:

SEN. JERRY O'NEIL (R), SD 3, opened the hearing on **SB 308**, Parental advocate present when protective services discussed.

SEN. O'NEIL explained the bill and told the Committee a pilot program was done in Washington, where they appointed attorneys for someone as soon as possible when DPPHS was considering taking children from a family. In three counties, where they did have

help, the number of children being returned to families was increased by 60%, a significant savings to the state.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.3}

Proponents' Testimony:

Kathy Jenkins, Missoula, Montana, told the Committee that, during the time frame when a child services worker comes to the family's door and an attorney could be appointed, many other things happen in the family's lives. She said, during these times, the family needs support and this is difficult to come by. The bill will alleviate a lot of confusion and emotional distress if a family member, friend, or pastor could be there when the family is going through the processes, and it would be beneficial for the family.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 5.1}

Kimberly Berry, Parent, told the Committee parents need more than an attorney at the time they find themselves involved with DPPHS. She supported the bill.

Harris Himes, appearing for Montana Family Coalition, Pastor Big Sky Christian Center in Hamilton, said he is contacted frequently when people do not understand what is going on in situations with DPPHS and he thought there should be someone, besides an attorney, available for these families.

Melissa Worthan, Parent, said it is important to have someone by your side for support in these situations, especially when it involves your children. She did not have this opportunity and the intimidation and stress was high.

Rachael Roberts, Montana Family Foundation, said this is a commonsense law she hoped the Committee would pass.

Esther Fisbaugh, Bozeman, told the Committee about a family in Oregon where a father was on National Guard Duty a couple weeks. The mother was attempting to discipline her son when a neighbor called the police. This ended up being a DPPHS problem that took two years of psychological counseling for the family, detailed in the following tape count. She said she feels it is very important for a family, in these situations, to have an advocate present to assist in avoiding the trauma involved.

{Tape: 2; Side: A; Approx. Time Counter: 5.1 - 10.4}

Opponents' Testimony:

Shirley Brown, Administrator, Child & Family Services Division, DPHHS opposed SB 308.

EXHIBIT (phs28a03)

{Tape: 2; Side: A; Approx. Time Counter: 10.4 - 18}

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. COBB asked **Ms. Brown** about her saying families can have someone present, and if it was in the law or if it was just common practice. She answered that it was common practice. **SEN. COBB** asked if it could be a required procedure. **Ms. Brown** says they have a book, and the book says they may have an advocate.

SEN. CROMLEY asked if a parent currently states they want to have someone with them, is there ever a case when they are refused. **Ms. Brown** said not that she knew of. She was concerned the bill would cause them to hold off on proceedings unless there was someone there. **SEN. CROMLEY** asked if he wanted his friend, John, present would if they have to make the same arrangements until John was there. **Ms. Brown** answered, if there was time, yes. In making an emergency placement, from a hospital, they have two days to have the petition filed. If they have a delay in locating the parent during this time frame, and have to wait for the person to be present, it would be very difficult.

SEN. WEINBERG asked **Ms. Brown** if the element of surprise was important in their investigation. She answered yes. Frequently they have to make an unannounced visit or include law enforcement. **SEN. WEINBERG** asked if it was true, in child abuse, that parents intimidate their kids not to speak to other people about the abuse. **Ms. Brown** answered that this is exactly what happens. It becomes a family secret nobody is supposed to talk about. **SEN. WEINBERG** wanted to know if the family was forewarned, would it give them an opportunity to intimidate their kids not to speak. **Ms. Brown** says that could happen occasionally.

SEN. CROMLEY asked if the Department came in unannounced, what happens if the parent doesn't want the child to speak. **Ms. Brown** told him, then they leave, go to the county attorney and get a court order.

SEN. ESP asked **Ms. Brown** what the distinction was between the pamphlet the department hands the parent and what the bill designates. **Ms. Brown** told him the pamphlet is discretionary, the bill says you shall inform the parent they have the right to have another person present. **SEN. ESP** asked her if the bill said the department shall give out the pamphlet, if that would work. **Ms. Brown** said the bill says the family has a right to have someone with you, the pamphlet says you may have someone.

SEN. CROMLEY asked **Ms. Brown** if it is standard that the pamphlet is given out. Her answer was that it is given out when the social worker makes their first contact when initiating an investigation. It is given out in every case.

{Tape: 2; Side: A; Approx. Time Counter: 18 - 28}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 9}

Closing by Sponsor:

SEN. O'NEIL asked the Committee to hold off action on the bill until they had the department's pamphlet. He thought the bill could be amended to coincide with the pamphlet so the public knows the procedure. He hoped, by making the statute uniform, everyone has equal protection.

The DPHHS pamphlet, referred to by **SEN. O'NEIL** was delivered to the Committee.

[EXHIBIT \(phs28a04\)](#)

HEARING ON SB 3

Opening Statement by Sponsor:

SEN. JERRY O'NEIL (R), SD 3, opened the hearing on **SB 310**, Authorize purchase of certain drugs from foreign countries.

SEN. O'NEIL explained his bill and how it would provide drugs from out of the country, at significant savings, to the State of Montana. These drugs would be used for State institutions only. He offered the Committee several news releases showing other states who are providing these drugs for the same purpose.

[EXHIBIT \(phs28a05\)](#)

{Tape: 2; Side: B; Approx. Time Counter: 1.4 - 5.9}

Proponents: None.

Opponents' Testimony:

Erica Armistead, Director of Sales, Bongeler Drugs, Inc., a small retail pharmacy chain in the State of Montana. She opposed importing drugs because, in the bill, they do not require licensing. Licensing allows ability to track medications purchased and dispensed to patients. During a drug recall, or when something is wrong in the supply or manufacture of these medications, licensing provides a tracking mechanism, which imported medications do not have. Drugs, manufactured in the U.S., have a national drug code number (NDC). When pharmacies bill insurance, they input the NDC into the computer, and this is how the insurer determines payment. Imported pharmaceuticals do not have an NDC number so the insurance company, or Medicaid, could not be billed. The patient would have to pay cash. She also said there is an ethical issue regarding Medicaid, or patients who could not afford good medicines. They would bear the risk of taking the imported meds.

{Tape: 2; Side: B; Approx. Time Counter: 5.9 - 10.6}

Jim Smith, Montana Pharmacy Association, said he was a reluctant opponent. His main concern was the safety of imported medications.

EXHIBIT (phs28a06)

Dennis Iverson, Pharmaceutical Research and Manufacturers of America, said the issue is safety. In Canada, Health Canada regulates all drugs consumed by the Canadian public. They do not inspect drugs from other countries. He read a list of countries and about counterfeit drugs. He said some of the surroundings, where drugs are created, are not sanitary and are a danger to the consumer.

{Tape: 2; Side: B; Approx. Time Counter: 10.6 - 16.7}

Informational Testimony:

Duane Preshinger, Bureau Chief, Medicaid Acute Services, DPPHS, supervises the Medicaid Pharmacy Program. He stated that the federal oversight fund for Medicaid is unable to reimburse for services outside the U.S. Out of the one hundred and five million dollars their program spends, seventy million dollars is federal funds and these drugs would not be covered.

{Tape: 2; Side: B; Approx. Time Counter: 16.7 - 17.8}

Marilyn Kelly Clark, Program Manager, MT. State Board of Pharmacies, Department of Labor and Industry Health Care Licensing Bureau, was present for information and questions.

Questions from Committee Members and Responses:

SEN. GRIMES asked **SEN. O'NEIL** if the Governor supported this.

SEN. O'NEIL had not talked to the Governor regarding the bill.

SEN. GRIMES asked who would be liable if the supplied drugs were substandard. **SEN. O'NEIL** said the intention of the bill was not to sell to Medicaid patients on the general market. He said the intention was to sell to Warm Springs, Deer Lodge, Shelby and other mental hospitals and prisons in Montana. He said only the Department would be able to purchase the drugs, not the general public. He presumed the Department had responsibility now and would continue this responsibility.

{Tape: 2; Side: B; Approx. Time Counter: 17.8 - 22.7}

SEN. WEINBERG asked **Mr. Presinger**, whether Medicaid people, in State institutions who are eligible for Medicaid, wouldn't have their pharmaceuticals paid through Medicaid. **Mr. Presinger** answered yes. **SEN. WEINBERG** asked him if he would agree that the State would be paying more money then than now. **Mr. Presinger** thought that could happen.

SEN. CROMLEY asked if **Mr. Presinger** knew what percentage of the Department of Corrections and DPHHS's purchases came under Medicaid. **Mr. Presinger** did not know, but Warm Springs, Montana State Hospital and Corrections, utilize a contractor, McKesson Medical Management, for their drug purchases.

SEN. WEINBERG asked **Ms. Clark** if the problem was that we don't trust pharmaceuticals manufactured in Canada, or if it was that we can't control the counterfeit drugs coming through Canada. **Ms. Clark** said the Board has safety and inspection and licensing issues. They have no ability to inspect facilities, though importation, from Canada. Drugs from Canada are not necessarily made in Canada.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 3.3}

Closing by Sponsor:

SEN. O'NEIL believed the bill should be amended to definitely say it is not meant for anything other than institutions. The bill

does not force the State to buy the medications, it gives them the ability to do this. He said that before the Governor purchases drugs from foreign countries, he presumed the Governor had the resources to make sure they are safe.

EXECUTIVE ACTION ON SB 52

SEN. O'NEIL'S understanding of the bill was it would let the State Hospital know in advance when someone would be admitted. This would stop people who shouldn't be there.

SEN. WEINBERG understood crisis units were missing in the system and if there were crisis units they could send people there instead of the State Hospital; therefore. they would save money and it would be a more efficient form of treatment.

SEN. ESP said this would solve the crisis problem on weekends to house people and this is something that should be worked on sometime.

Motion/Vote: **SEN. SCHMIDT** moved that SB 52 BE TABLED. Motion carried 5-4 by roll call vote with **SEN. COBB**, **SEN. ESP**, **SEN. GRIMES**, and **SEN. O'NEIL** voting no. **SEN. COBB** voted no by proxy.

EXECUTIVE ACTION ON SB 154

Motion: **SEN. ESP** moved that SB 154 DO PASS.

Motion: **SEN. WILLIAMS** moved that SB 154 BE AMENDED WITH SB015402.adn.

SEN. WILLIAMS explained the amendment.

EXHIBIT (phs28a07)

{Tape: 4; Side: A; Approx. Time Counter: 9 - 15.5}

SEN. GRIMES pointed out the pro-rated portion, containing administrative costs. He said the association must approve accounting methods to substantiate the cost, and if it were a problem, it would have been brought to the Legislature's attention. He didn't think changing the number was appropriate.

SEN. O'NEIL asked **SEN. WILLIAMS** why the cap was 10% and not 9%. She told him because, with a federal cap on it at ten, it was equitable.

Vote: Motion carried 6-3 by voice vote with SEN. ESP and SEN. GRIMES voting no. SEN. COBB voted no by proxy.

Motion: SEN. WEINBERG moved that SB 154 DO PASS AS AMENDED.

Discussion: SEN. GRIMES thought there would eventually be a conflict of interest and it would be interfering with normal business practices. He thought they would be undercutting the integrity of the program. He said if they wanted to send a message that administrative costs were too high, there were political opportunities to do this.

{Tape: 4; Side: A; Approx. Time Counter: 15.5 - 22.3}

SEN. WEINBERG told SEN. GRIMES that, in their joint subcommittee, they deal with this all the time. He said SEN. COBB works cooperatively with the Department and the Department has been effective in protecting themselves. He said SEN. COBB didn't think the Department had a problem with this.

SEN. WILLIAMS thought SEN. GRIMES was talking about her when he mentioned trying to "hammer" somebody. She wanted to make it clear that her purpose was two-fold. The cap is consistent with the federal cap and, because of that, would be able to serve more children. Her concern was to work it into the program.

Vote: Motion carried 7-2 by voice vote with SEN. ESP and SEN. GRIMES voting no. SEN. COBB voted yes by proxy.

EXECUTIVE ACTION ON SB 275

{Tape: 4; Side: A; Approx. Time Counter: 22.3 - 26.1}

Motion: SEN. SCHMIDT moved that SB 275 DO PASS.

Motion: SEN. SCHMIDT moved that SB 275 BE AMENDED WITH SB027501.ASB.

EXHIBIT (phs28a08)

SEN. ESP said they were reversing a legislative trend of eliminating special revenue money through having money going into the general fund, then appropriating it out to programs based on the merit of the program. This creates a special revenue fund for a specific purpose.

Vote: Motion carried 7-3 by voice vote with SEN. CROMLEY, SEN ESP and SEN. O'NEIL voting no. SEN. COBB voted yes by proxy.

Motion: SEN. ESP moved that SB 275 DO PASS AS AMENDED.

Discussion: SEN. ESP said this amendment speaks mainly to the lab services. It would have the department administer the contract in a cost-effective way.

EXHIBIT (phs28a09)

SEN. GRIMES was concerned about special cases and having to go with high credibility labs. He thought this would put a cloud over them and they wouldn't end up with the best results. SEN. ESP said it gives Mr. Casey an out. If the issuing of the contract wasn't practical, he wouldn't have to do it.

Motion/Vote: SEN. ESP moved that SB 275 BE AMENDED WITH SB027501.ADN. Motion carried unanimously by voice vote.

Motion: SEN. SCHMIDT moved that SB 275 DO PASS AS AMENDED.

Discussion: SEN. GRIMES referred to former REP. GUGENHEIM'S letter regarding clinical services and money for the program. He asked if Mr. Niss understood her argument. Mr. Niss answered somewhat, but he didn't think it was regarding any particular part of the bill. SEN. GRIMES asked if it could be on line 24, comprehensive clinical analytical services. SEN. GRIMES referred the question to Jack Casey, Administrator, Shodair Childrens Hospital. Mr. Casey told him the laboratory makes up the biggest bulk of the program and supports a \$1.3 million a year budget. They receive no money from this funding. He didn't understand REP. GUGENHEIM'S concern, because that part of the program has been self-sufficient for a number of years. He wants the laboratory included in the program when they apply for federal funding.

{Tape: 4; Side: B; Approx. Time Counter: 0 - 9.7}

SEN. O'NEIL was against the bill because it puts a genetic program at one place in the State. He said there were good hospitals in the Flathead area that could do genetic counseling and testing. He didn't agree with contracting with a single entity for services.

SEN. SCHMIDT asked for clarification from Shodair regarding what their labs do. She didn't think local hospitals could do what Shodair does.

SEN. ESP asked Mr. Casey to respond to what would happen if Shodair lost the lab, and whether they would also lose the clinical piece of it. Mr. Casey said the laboratory is a very specialized lab. Other labs, within the State, do not have the capability to do these types of testing, nor would they want to invest that kind of money. There are about 25 million people in the U.S. suffering from rare diseases and only about 6,000 tests which can be done. Tests are done in special labs all over the world, and some labs can't do the tests. Their lab accepts specimens from all over the world for testing only Shodair can do. If they have a rare test they cannot do, they send it to another lab around the world. He could not see the lab ever being in jeopardy.

SEN. ESP said that, in the future, if the legislature saw that the lab and the clinical piece should be separated, he saw no reason that couldn't be done at that time.

SEN. WEINBERG said it is a practical matter. This is something that is working extremely well and he saw no reason to change it.

SEN. GRIMES did not like the funding source but, because of the importance of the program, he would support it.

SEN. O'NEIL asked Mr. Casey of the 600 tests, how many did Shodair do. Mr. Casey told him there were three pages of tests they do. He would guess 90 or so. SEN. O'NEIL asked what kind of facilities Spokane or Seattle had to do these tests. Mr. Casey answered Spokane has a laboratory panel that uses genetics lab to do the same type of testing. Seattle has the same kind of lab. SEN. O'NEIL asked if they did more or less testing than Shodair. Mr. Casey said they did different tests, some of the same, but they don't hold a clinic in Kalispell like Shodair does. He sends their genetic councils all over the State to 75 clinics spread out over the entire State. The Flathead Valley uses the clinic and lab extensively.

{Tape: 4; Side: B; Approx. Time Counter: 9.7 - 28}

{Tape: 4; Side: A; Approx. Time Counter: 0 -.07}

Motion/Vote: SEN. SCHMIDT moved that SB 275 DO PASS AS AMENDED. Motion carried 7-2 by voice vote with SEN. ESP and SEN. O'NEIL voting no.

EXECUTIVE ACTION ON SB 297

Motion: SEN. GRIMES moved that SB 297 DO PASS.

Discussion: SEN. GRIMES explained amendment SB029704.adn.

EXHIBIT (phs28a10)

{Tape: 4; Side: A; Approx. Time Counter: 0.1 - 7}

SEN. CROMLEY explained the amendment that marriage and family therapists (MFTs), practicing in that area now, would not have to take the test as they are grandfathered in.

Mr. Niss told the Committee that the subsections they see, sighted in paragraph 5, 1a, 1c and 1b are subsections on page 3, lines 12, 17, and 19 of the bill. The grandfather provision requires that the grandfathered professionals; a) have a master's degree, etc; c) have worked under a qualified supervisor, etc.; and d) are of good moral character. The one subdivision, not included in paragraph 5, is b); which is take the test. The change for the grandfather provision, to be operative, applies to all of those requirements, except the test, to the grandfathered individuals.

SEN. ESP spoke against the amendment as he didn't think the bill was good to begin with. Now they are grandfathering people in to get around what they want done. He thought the bill should be tabled.

Motion/Vote: SEN. ESP moved that SB 297 BE TABLED. Motion carried 8-1 by voice vote with SEN. COBB voting no.

EXECUTIVE ACTION ON SB 273

Motion: SEN. CROMLEY moved that SB 273 DO PASS.

Discussion: SEN. CROMLEY didn't think the bill would go far, because of funding obstacles and questions regarding the medical school being built in Billings, but thought it should go to the Senate floor for discussion.

SEN. ESP thought the bill was a serious matter and an idea which should be given thought. He thought it an opportunity for students in Montana who want to go to medical school.

SEN. WEINBERG did not see it as a good idea. He said they were busy in the Senate and we should live up to responsibility and do something in Committee.

SEN. GRIMES wanted more information on the long-range impact on the consumer and taxpayer. He suggested, before turning it over to an independent panel, that maybe it should be an interim study to decide if that step should be taken. He said there were two competing things going on. One if the State could afford it and the other if it is a proactive move in regard to our health care system. He didn't know enough about the other schools and the rural communities and whether it would be a drain on the taxpayers to form another school. He said we did not want to create another increasing infrastructure that will be on the backs of Montana consumers.

SEN. SCHMIDT said there is plenty time to do an interim study.

SEN. ESP had an amendment for page 2, line 11, regarding members on the council, add two members representing the WWAMI program.

Motion: SEN. ESP moved that SB 273 BE AMENDED ON PAGE 2, LINE 11 BY ADDING TWO MEMBERS REPRESENTING WWAMI TO THE COUNCIL. Motion carried unanimously by voice vote.

Motion: SEN. CROMLEY moved that SB 273 DO PASS AS AMENDED.

Discussion: SEN. WILLIAMS was concerned about the expenditure in the bill and whether a medical school could be supported at this time. She thought that \$20,000 for a study on whether or not we could support a medical school in Montana when we are not supporting a university system is a technical point.

SEN. WEINBERG commented that an interim study is fine if it is free, but he didn't think it was. He thought it a costly endeavor and not worth the money. He thought it an idea whose time has not come.

SEN. GRIMES did not think the bill could justify the program. He wanted to know if the council is going to recommend specifically a cost benefit analysis for the taxpayer and consumer. He thought that was a missing point in the things the council was going to do.

SEN. ESP wondered if the bill could be put back in the packet to give the Committee time to address that, the amendment and some other cost issues.

SEN. CROMLEY didn't think we could turn this into an interim study. He agreed with SEN. WEINBERG and the time on the floor but felt it should get out of Committee.

{Tape: 4; Side: A; Approx. Time Counter: 7 - 18.5}

Substitute Motion/Vote: SEN. O'NEIL made a substitute motion that SB 273 BE TABLED. Substitute motion carried 5-4 by voice vote with SEN. COBB, SEN. CROMLEY, SEN. ESP, and SEN. GRIMES voting no.

ADJOURNMENT

Adjournment: 5:40 P.M.

SEN. BRENT R. CROMLEY, Chairman

RITA TENNESON, Secretary

BC/rt

Additional Exhibits:

EXHIBIT ([phs28aad0.PDF](#))