MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN MIKE WHEAT**, on January 24, 2005 at 10:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:
Sen. Mike Wheat, Chairman (D)
Sen. Brent R. Cromley (D)
Sen. Aubyn Curtiss (R)
Sen. Jon Ellingson (D)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Mari Prewett, Committee Secretary

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

Committee Business Summary:
Hearing & Date Posted: SB 241 & SB 231, 1/19/2005;
SB 196, 1/14/2005;
Executive Action: None.

HEARING ON SB 241

Opening Statement by Sponsor:

SEN. BOB KEENAN, SD 5, BIGFORK, opened the hearing on **SB 241,** Good faith protection for court-appointed psychologists. **SEN. KEENAN** stated that SB 241 would make it a requirement that before an individual could file a complaint with the Board of Psychologists against a psychologist that had developed a parenting plan, they would have to go to the District Court and get permission to do so. He went on to say that only one percent of the numerous cases filed had resulted in a finding of probable cause.

Proponents' Testimony:

Dr. Charles Kelly, President, Montana Psychological Association, explained to the Committee what a parenting plan was and how a psychologist was appointed to do one. He further discussed the amount of time involved in preparing a parenting plan and the fact that the psychologist does everything in his/her power to insure that the plan is in the best interest of the children. He continued saying that the parenting plan evaluations were conducted to reduce the amount of emotional maladjustment of the children as a result of the divorce. He went on to say that having a scientifically based evaluation with clear definitive recommendations aided the Court in resolving cases. **Dr. Kelly** explained that they tried to reduce the risks to the psychologists that prepare the evaluations because of the complaints made against them by the parent that does not get the result they want. He concluded that SB 241 was trying to provide an effective remedy for consumers if justified.

A handout was provided to the Committee on SB 241 and is attached as Exhibit 1.

EXHIBIT(jus18a01)

Dr. Barton Evans, Bozeman, provided the Committee with his background. He stated that he believed SB 241 would provided balanced protection for parents and psychologists. He further indicated that he also felt that it protected children and psychologists from the growing incidents of frivolous complaints. **Dr. Evans** then talked about the events in a dissolution that lead up to the need for a parenting plan evaluation. He then discussed those individuals that would make a complaint against the psychologist and the reasons behind those complaints. **Dr.**

Barton then stated that it was the very high-conflict individuals that SB 241 was focused on.

Marti Wangen, Lobbyist for the Montana Psychological Association, informed the Committee that Arizona, Florida, Georgia and West Virginia had already passed legislation similar to SB 241. She then stated that Colorado had solved its problem by the Board of Psychologists not accepting these types of complaints. She concluded by saying that New Jersey provided absolute immunity for Court appointed psychologists.

Opponents' Testimony:

Anita Roessmann, Attorney with the Montana Advocacy Program, expressed her opposition to SB 241 and stated that she felt it was wrong to control access to the Board of Psychologists.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. O'NEIL asked **Anita Rossman** if the attorney could recommend who was to be appointed or was it strictly up to the judge to appoint the psychologist. **Ms. Rossman** replied that she could not really answer the question.

SEN. O'NEIL asked **Dr. Kelly** who appointed the psychologist. **Dr. Kelly** replied that all of the parenting plan evaluations that had been referred to him had come through the two attorneys who had agreed on who the evaluator was going to be, referred that name to the court, and the judge then had signed off on the appointment.

SEN. O'NEIL asked **Dr. Kelly** if it would be acceptable to him if the Committee amended the bill to say that the psychologist was to be appointed by agreement of both parties and approved by the Judge. **Dr. Kelly** replied that it would be fine with him.

SEN. CROMLEY asked **SEN. KEENAN** if he was aware of any administrative body in the State that had the authority to award attorney's fees. **SEN. KEENAN** replied that he was not.

SEN. CROMLEY asked **SEN. KEENAN** if there had been any thought to making the award of attorney's fees reciprocal so that if there was a finding of merit, the person bringing the complaint would be awarded attorney's fees. **SEN. KEENAN** replied that he had not been a party to that part of the drafting of the bill, but he felt that it was an option.

SEN. CROMLEY asked **SEN. KEENAN** if they were not asking the same person who had made the judgment to now make the ruling as to whether there was merit in filing a complaint with the Board of Psychologists. **SEN. KEENAN** responded that on the surface he agreed, however, because there had been an agreement by all parties to begin with, he did not believe so.

SEN. MCGEE asked **Dr. Kelly** how many cases had been referred to him by the Court and how many of those cases had been appealed to the Board of Psychologists against him. **Dr. Kelly** replied that none of the ten cases referred to him had been appealed.

CHAIRMAN WHEAT asked **Marti Wangen** how many complaints had been filed across the state during the last year. **Ms. Wangen** responded that she did not have the number of cases. She went on to say that she only had percentages and proceeded to provide those percentages to the Committee.

CHAIRMAN WHEAT asked **Ms. Wangen** to provide the Committee with the numbers to correlate with the percentages. **Ms. Wangen** responded that she was not sure she could, however, she would ask the Board of Psychologists to provide her with them.

CHAIRMAN WHEAT asked **Ms. Wangen** if it would not be a conflict where the Judge would be relying on the Psychologist's evaluation to make a decision and then having to make a decision as to whether or not the Psychologist had done something wrong. **Ms. Wangen** replied that because both parties had agreed to the Psychologist she did not see a problem.

SEN. SHOCKLEY asked **SEN. KEENAN** if there was someone who could explain why the Board of Psychologists did not have a position on SB 241. **SEN. KEENAN** referred the question to **Jeannie Worsech** for response. **Ms. Worsech, Unit Supervisor for Health Care Licensing Bureau with the Department of Labor and Industry,** replied that the Board had not taken a position on the bill.

SEN. MANGAN said that he would not only like to see the number of complaints but also the number of parenting plans that were filed every year in order to make a comparison.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 28.1}

Closing by Sponsor:

SEN. KEENAN stated that what they were trying to accomplish was to have more access to psychologists to do the evaluations. He went on to say that due to the high risk of complaints to the

Board of Psychologists and resulting increase in insurance costs, a number of them were choosing not to provide their services for these parenting plan evaluations.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 0.8}

HEARING ON SB 231

Opening Statement by Sponsor:

SEN. JESSE LASLOVICH, SD 43, ANACONDA, opened the hearing on **SB 231,** Revise collection laws. **SEN. LASLOVICH** stated that SB 231 was designed to clean up ambiguities with regard to collection of judgments and service of process in Montana. He went on to say that there would be amendments in relation to Section 3, Section 7 and Section 8.

Proponents' Testimony:

Michael Moore, Attorney in Missoula and Member of the Montana Collectors Association, explained that the reasons for SB 231 were the concerns raised by judges, sheriffs and levying officers regarding the process by which they perform their work. He went on to say that there were a few small amendments to various sections in hopes of clarifying the process of collection. **Mr. Moore** stated that they were going to delete Section 8 in the hope of passing a bill in the next couple of years that would address the items in that section. **Mr. Moore** asked the Committee to support SB 231.

Jeff Koch, Secretary for the Montana Collectors Association, explained to the Committee the minor problems they had run into that needed clarification. **Mr. Koch** thanked **SEN. LASLOVICH** for his support and asked that the Committee support the bill.

Bruce Spencer on behalf of himself, explained that as an attorney part of his practice was in the collection of debts. He explained problems that arise in the process of trying to collect on debts. He further stated that SB 231 would solve the problem of out-of-state service and problems encountered by process servers regarding return of service of process to attorneys. **Mr. Spencer** stated that SB 231 was a good bill and urged the Committee to pass it.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. CROMLEY referred **SEN. LASLOVICH** to Section 1, Line 28 and asked about the liability, "if the instrument was dishonored," if that meant dishonored by the bank. **SEN. LASLOVICH** replied that he was told "yes."

SEN. CROMLEY asked **SEN. LASLOVICH** if for some reason a check was dishonored if the person would have liability. **SEN. LASLOVICH** stated that he shared the same concern and referred the question to Mr. Koch or Mr. Moore for response. **Mr. Moore** responded that the basis of the language came from Section 27-1-117 of the existing Code. He further stated that it was a good point and they were missing a couple of terms that are in Section 27-1-117 that are not in that particular section. He went on to say that under the statute the dishonor would have to be because the account lacked sufficient funds to pay the check or because the account holder in actuality held no account such as the account having been closed. **Mr. Moore** continued saying that it would be under these circumstances that liability would accrue under the bad check statute.

SEN. CROMLEY asked **Mr. Moore** if he would agree that the instances in which there would be liability would require there be a showing of some intent on the part of the payer. **Mr. Moore** replied that he would not say criminal intent, he would say that it was a responsibility issue.

SEN. MANGAN asked **Mr. Moore** what the Statute of Limitation would be for failure to pay on a bounced check. **Mr. Moore** responded that the Statute of Limitations regarding collection of the bad check would be six years under the Uniform Commercial Code. He went on to say that the liability created by the issuance of a bad check for a liability had a two year State of Limitations.

SEN. MANGAN asked **Mr. Moore** where he could find the reference to the two year Statute of Limitation in the Code. **Mr. Moore** indicated that he did not have the specific cite before him.

SEN. MANGAN then asked **Mr. Moore** if basically a collection agency, working on behalf of a business, would have two years under current law to collect a debt. **Mr. Moore** replied that they would have two years to collect the liability portion for the writing of the bad check. He went on to say that he thought that the face value of the check could be pursued for six years.

SEN. MANGAN asked **Mr. Moore** if what they were asking was for the Committee to change the law so that there would not be a Statute of Limitations on collection of a bad debt as long as a notice were

sent again prior to the end of the two-year limitation. **Mr. Moore** explained that what they were seeking to do was to provide the check issuer the opportunity to avoid the liability found in Section 27-1-117 if a lawsuit were filed. He went on to say that on occasion, the check notices return a year or more later because people have new addresses. He continued saying that they wanted to give the issuer of the bad check an opportunity to pay the check prior to resorting to legal action.

SEN. MANGAN then asked **Mr. Moore** if they could file a civil judgment after two years if a person had not paid, the face value of the check along with the service charge. **Mr. Moore** replied that after two years, if the bad check had not been paid, they would not be able to pursue it through the Courts, they then would only be able to pursue collection of the face value of the check.

SEN. MANGAN asked **Mr. Moore** if a person appeared to make payment after the two-year time frame, if the collection agency would accept the money. **Mr. Moore** replied that they would.

SEN. PERRY asked **SEN. LASLOVICH** to explain the intent of the language on Page 3, Lines 19 through 21. **SEN. LASLOVICH** replied that under current law some attorneys argue that mailing the Writ out-of-state is a violation of Montana law, therefore, under the new language, for the convenience of out-of-state employers, it would be legal to mail Writs out-of-state at the direction of the employer if the processing of garnishments were handled at an out-of-state location.

SEN. PERRY asked **SEN. LASLOVICH** about Page 7, Lines 6-8 and was informed that it was part of the Section being deleted.

Closing by Sponsor:

SEN. LASLOVICH closed and informed the Committee that he would be getting the amendments to Ms. Lane so that he would be ready for Executive Action.

{Tape: 1; Side: B; Approx. Time Counter: 0.8 - 18.1}

SEN. MCGEE took over as Chairman of the Committee for **SEN. WHEAT** while he presented SB 196.

HEARING ON SB 196

Opening Statement by Sponsor:

SEN. MICHAEL WHEAT, SD 32, BOZEMAN, opened the hearing on **SB 196**, Prohibit order concealing public hazards. **SEN. WHEAT** stated that this was the second time he had brought this bill forward. In the last session it had been called the "Sunshine in Litigation Act" and this session it was being called the "Gus Barber Anti-Secrecy Act". **SEN. WHEAT** proceeded to pass out a picture of Gus Barber and explained that the reason he was doing so was because this young man had been tragically killed as a result of a defective rifle discharging. He further informed the Committee that it was the young man's mother who had been holding the rifle. **SEN. WHEAT** explained that he wanted the State of Montana to say that it was the policy of this State that the Court systems could not be used as a mechanism to hide information about public hazard as defined in SB 196. He further stated that "public hazard" as defined in the bill would mean "an instrumentality including, but not limited to, any device, instrument, procedure or product of condition of a device, instrument, procedure or product that has caused or is likely to cause injury." **SEN. WHEAT** went on to say that this would be limited to those situations where, in the process of litigation and discovery, a party learns that a product is defective, that the person or company who manufactured the product would not be able to use the Court system or the discovery process when engaged in litigation to hide evidence of that defective product. **SEN. WHEAT** walked the Committee through SB 196 and explained the various sections. He continued saying the bill had been designed to establish a system whereby the litigation process could not be used to hide information about defective products that have or had caused injury to people.

{Tape: 1; Side: B; Approx. Time Counter: 18.1 - 26.2}
{Tape: 2; Side: A; Approx. Time Counter: 0 - 0.6}

Proponents' Testimony:

Richard Barber, Manhattan, representing his son and the public, stated that he had done some case studies, a copy of these studies is attached as Exhibit 2. **Mr. Barber** went on to say that he felt that there were two schools of thought regarding the responsibility of the court system. He then stated that he felt that some of the opponents would say that the court system was a publicly subsidized entity solely to resolve disputes privately. He continued saying that he felt it was a publicly subsidized entity to resolve disputes with a duty to the public to prevent further tragedy from happening to others and with the presumption

of openness that the documents would be available for access by the public as a means of education. **Mr. Barber** further stated that if this was so and the documents could be used for education, there would be a reduction in injury and death associated with specific defective products that were still available to the public. **Mr. Barber** then discussed the various sections of his handout and explained them to the Committee. **Mr. Barber** further stated that he was not looking for sympathy, that his only goal was to prevent such a tragedy from happening to anyone else. He concluded by urging the Committee to pass SB 196.

EXHIBIT(jus18a02)

Al Smith, Montana Trial Lawyers Association, spoke in support of SB 196. **Mr. Smith** provided the Committee with several handouts attached as Exhibit 3, Exhibit 4, Exhibit 5 and Exhibit 6 for their information. **Mr. Smith's** written testimony is attached as Exhibit 7.

EXHIBIT(jus18a03)
EXHIBIT(jus18a04)
EXHIBIT(jus18a05)
EXHIBIT(jus18a06)
EXHIBIT(jus18a07)

{Tape: 2; Side: A; Approx. Time Counter: 0.6 - 27.2}

David Martin, registered lobbyist for the Montana Newspaper Association and Lee Enterprises, pointed out that the Montana State Constitution gives the public the right to examine documents of all public bodies and agencies of the State Government and its subdivisions. He went on to encourage the members of the Committee to look at their Freedom of Information Desk Books, that were provided prior to the Session, which indicates which documents should remain private and which documents should be made available to the public.

Chris Tweeten, Chief Civil Counsel, Office of the Attorney General, stated that Attorney General McGrath had asked him to inform the Committee that he stood in support of SB 196. **Mr. Tweeten** went on to say that the presumption in litigation was that any document was open to the public, including documents exchanged during the discovery process. He continued saying that the Courts were given the discretion to enter protective orders in discovery matters to limit the uses to which discovery materials could be used. **Mr. Tweeten** explained that it was their understanding that SB 196 would limit the discretion of judges

with respect to entering protective orders, which would prevent the disclosure of matters that are hazardous to public safety.

Opponents' Testimony:

John Alke on behalf of the Montana Defense Trial Lawyers Association, expressed opposition to SB 196. **Mr. Alke** stated that the issue of the bill was the production of discovery documents and making those documents public. **Mr. Alke** explained that under SB 196 trade secrets would not be exempt and would become public knowledge. He went on to say that the Montana Supreme Court had expressed in a recent case that every business had the right to maintain the confidentiality of its trade secrets. **Mr. Alke** stated that SB 196 was not a good bill and was targeted expressly to obtain documents exchanged in discovery which are not in the possession of private parties and would create a potential new cause of action. He then distributed a copy of SB 196 which had been modified and would stop the State from concealing public hazards. A copy of this proposed bill is attached as Exhibit 8. **Mr. Alke** explained his proposed bill to the Committee.

EXHIBIT(jus18a08)

Mona Jamison representing the Montana Society of Orthopedic Surgeons, The Doctors Company and the Wyne Institute, stated that these three organizations stood in opposition to SB 196. She went on to say that they concurred in Mr. Alke's comments. **Ms. Jamison** explained that the documents obtained during discovery were not made part of the court record. She went on to say that when discovery was conducted it was like going on a fishing expedition and many of the questions asked would be varied in the hope of finding something that would help to build the case. **Ms. Jamison** indicated that SB 196 would make discovery public and thereby make public people's names and personal information when they were not a true party to the litigation. **Ms. Jamison** proceeded to explain the concerns of The Doctors Company with regard to the effect passage of SB 196 would have on medical malpractice insurance and the prescription drug companies. She said that they could support Mr. Alke's amendment to the bill and urged that the Committee give the bill a do not pass.

Marshal Mickelson, Attorney, Pohlman and Keebe, Board Member and Past President of the Montana Defense Trial Lawyers Association, urged the Committee to not support SB 196. **Mr. Mickelson** stated that he did not believe the bill would solve the problems identified by the proponents but would slow down and complicate the litigation process. **Mr. Mickelson** then explained the purpose and use of protective orders with regard to the discovery process

and the information obtained during that process. He went on to say that the unintended consequence of SB 196 would be to slow down the litigation process and added that private litigation between parties was not the place to litigate health and safety issues.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 25}
{Tape: 3; Side: A; Approx. Time Counter: 0 - 3.5}

Greg Van Horssen representing State Farm Insurance Company and, speaking on behalf of Frank Cote of Farmers Union Mutual Insurance Company, stated that for all of the reasons they had already heard, State Farm and Farmers Union Mutual oppose SB 196.

Jacqueline Lenmark speaking for the American Insurance Association, stated that they concurred in the comments that had been made by the preceding opponents and asked the Committee to give SB 196 a do not pass recommendation. She went on to say that she did support the amendment which had been presented by John Alke.

Dwight Easten representing Farmers Insurance Group of Companies, stated that they opposed SB 196.

Gail Albercrombie, Executive Director, Montana Petroleum Association, rose in opposition to SB 196.

Barbara Ramp, Montana Chamber of Commerce, stated that they opposed SB 196 in its current form. She went on to say that Mr. Alke's amendments were worth the Committee's consideration.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN CROMLEY referred **SEN. WHEAT** to Section 1, Subsection 4, and asked if they could tell Courts what sort of orders they could enter. **SEN. WHEAT** stated that the bill was not designed to tell the courts what to do. He went on to say that the intent was to say that the court could not enter into a judgment that would have the affect or purpose of concealing a public hazard.

SEN. CROMLEY asked **SEN. WHEAT** if the bill would apply to both the state and federal courts. **SEN. WHEAT** indicated that he was not sure but thought that it would apply to the federal courts within the State.

SEN. SHOCKLEY asked **Mr. Alke** about his proposed bill and why he felt they would not want to include procedures under that bill.

Mr. Alke replied that the term "procedure" was the single word in the definition which would open the definition up to almost any tort.

SEN. SHOCKLEY asked **Mr. Alke** about Section 1(3) and the stricken words, "of effect" and "or any information that is relevant to protection of public health or public safety", and asked why he wanted to do it. **Mr. Alke** responded that this description would extend the bill to all discovery, even discovery that was not filed in a public courthouse.

SEN. SHOCKLEY asked **Mr. Alke** why he had deleted the provision relative to the protective order. **Mr. Alke** stated he was not sure he understood the question, however, he proceeded to try to explain what his intention was.

SEN. SHOCKLEY asked **Mr. Alke** if the protective order were in effect, something was discovered that was hazardous, the case ultimately reached the point of settlement and the hazardous condition was not mentioned in that settlement, would the hazardous condition still be protected by the protective order. **Mr. Alke** answered that he had struck the provisions of SB 196 that would invalidate private agreements and left in only the provision addressing the Court's order. He went on to say that his proposed bill would only address Court Ordered secrecy.

SEN. PERRY asked **Mr. Alke** if he was familiar with the United States Consumer Products Safety Commission. **Mr. Alke** replied that he was not, as he did not work with it.

SEN. PERRY asked **SEN. WHEAT** if he was familiar with USCPSC. **SEN. WHEAT** replied that he was.

SEN. PERRY asked **SEN. WHEAT** to explain to the Committee the protection provided against products that could cause injury by the US Consumer Products Safety Commission. **SEN. WHEAT** explained that what happened with the Consumer Products Safety Commission was that if they received reports with regard to any kind of product where people were injured, they would do an investigation. He went on to say if they found that a product was defective or hazardous they would try to work with the manufacturer or producer to either remove it from sale or make changes that would insure that the product was safe.

SEN. PERRY asked **SEN. WHEAT** if the USCPSC determined that a product might fall under the category of being dangerous or capable of causing injury would, the manufacturer of the product be required to notify the public of the potential hazard or danger. **SEN. WHEAT** responded that in instances where it had been

determined that there was a defect, the USCPSC would require the manufacturer to modify the product and make it safe and to notify those individuals that might have the unsafe product in their possession.

SEN. PERRY referred **SEN. WHEAT** to Section 1, Paragraph 2, and asked who would decide what would represent a public hazard. **SEN. WHEAT** responded that it would be the number of victims involved.

SEN. PERRY asked **SEN. WHEAT** if there was an opening for a further lawsuit against a manufacturer of a product, that was never declared a public hazard, if there was no agreement to keep information confidential. **SEN. WHEAT** stated that SB 196 was not a bill which would establish liability. He went on to say that SB 196 simply said that when engaged in litigation and information came out that there was a public hazard, it would not be able to be hidden by a secret agreement.

SEN. PERRY asked **Mr. Barber** why not make it a crime for anyone to conceal information that would have the potential to injure the public or that had been shown or known to have a potential for injuring the public. **Mr. Barber** replied that he had addressed the issue with another senator regarding establishing a Corporate Responsibility Act. **Mr. Barber** explained that all of his work had been to make sure that a tragedy, such as the one involving his son, would never happen to anyone else.

{Tape: 3; Side: A; Approx. Time Counter: 3.5 - 28}
{Tape: 3; Side: B; Approx. Time Counter: 0 - 1.5}

SEN. PERRY asked **Mr. Barber** to discuss the possibility of making it a crime to conceal information. **Mr. Barber** replied that if he could find someone to carry the bill he would.

SEN. O'NEIL asked **Al Smith** if he had seen **Mr. Alke's** amendment. **Mr. Smith** replied that he had not seen the amendment. Mr. Smith was provided a copy of the amendment.

SEN. O'NEIL asked **Mr. Smith** if he would comment on the amendment as to whether or not it would solve some of the problems with the bill, create worse problems, or leave things as they are. **Mr. Smith** replied that the amendment would do some good over what was presently in effect, however, it would not do enough and would leave out too much.

Closing by Sponsor:

SEN. WHEAT stated that legislation similar to SB 196 had been recognized as important legislation in other states. He went on to say that it was important to have a public policy about public safety. **SEN. WHEAT** informed the Committee that there was a bill before the U.S. Senate which dealt with secrecy agreements. He further stated that it was not only something that was happening in a small area, it was a movement taking place across the country. **SEN. WHEAT** stated that his concern was with those out-of-state corporations that would use the court systems across the country to hide defective products. He concluded saying that SB 196 would not create liability, it would make sure that the court system was not used to hide public hazards.

{Tape: 3; Side: B; Approx. Time Counter: 1.5 - 7.4}

SEN. WHEAT resumed the chair and announced that the Committee would meet at 8:30 a.m to take Executive Action. He further indicated that the Subcommittee on SB 146 would meet at 11:00 a.m.

{Tape: 3; Side: B; Approx. Time Counter: 7.4 - 8.4}

ADJOURNMENT

Adjournment: 12:21 P.M.

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SEN. MIKE WHEAT, Chairman

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MARI PREWETT, Secretary

MW/mp

Additional Exhibits:

EXHIBIT(jus18aad0.PDF)