MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN DUANE GRIMES**, on February 7, 2003 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:
Sen. Duane Grimes, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Brent R. Cromley (D)
Sen. Aubyn Curtiss (R)
Sen. Jeff Mangan (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Cindy Peterson, Committee Secretary

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

Committee Business Summary:
Hearing & Date Posted: SJ 10, 1/30/2003
Executive Action: SB 25

HEARING ON SJ 10

Sponsor: **Jerry O'Neil, SD 42, Columbia Falls**

Proponents: **Kandi Matthew Jenkins, Self**
Mike Fellows, of Missoula, Self

Opponents: **None.**

Opening Statement by Sponsor:

SEN. JERRY O'NEIL opened by stating prior to the adoption of the 17th Amendment to the United States Constitution, United States Senators were elected by the state legislators. According to the U.S. Constitution, Article I, Section 3, clause 1, the Senate of the United States shall be composed of two Senators from each state chosen by the legislature thereof for six years, and each Senator shall have one vote. At the time the Constitution was written, the U.S. Representatives were to represent the people and were to be elected by popular vote. The U.S. Senators were to represent the states, and were to be elected by the state legislators.

SEN. O'NEIL'S written statement is attached to these minutes. **EXHIBIT(jus27a01).**

Proponents' Testimony:

Kandi Matthew Jenkins, Missoula, Montana, agreed with everything **SEN. O'NEIL** said. **Ms. Jenkins** thinks it is correct to return many of our laws back to their constitutional findings because they paid more attention to the average citizen and their protections. **Ms. Jenkins** is tired of receiving form letters from the Congressional Delegation stating this is a state issue. **Ms. Jenkins** feels there should be interaction between the state and federal government. If the citizens of Montana can contact their hometowns or districts and exert their opinions upon them, they can share those opinions with our congressional delegation. At this point, **Ms. Jenkins** does not see this happening. Most of the people who leave Montana and go to Washington, forget about the people in Montana. **Ms. Jenkins** would like to have more say in what is happening in Washington, D.C. **Ms. Jenkins** would like to see every state in the union take up this challenge.

Mike Fellows, of Missoula, Montana, supports SJR 10 because he believes we need more states rights. This seems to him to be the best option.

Written testimony if favor of SJ 10 was also submitted by **John MacMullin EXHIBIT(jus27a02)**, and **Gene Van Wagoner EXHIBIT(jus27a03)**.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

CHAIRMAN GRIMES wanted to know how many states it would take to endorse this legislation and then what exactly it would require the federal government to do.

SEN. O'NEIL stated this is a resolution requesting Congress to send out an amendment to the states to repeal the 17th Amendment. This resolution has no power by itself. It is just a seed being planted that tells the federal government the states want their rights. Hopefully, this will be the beginning of the states asking for their rights back and saying they want some control over the federal government, and we do not want federal mandates. **SEN. O'NEIL** stated he talked with an attorney in Legislative Services and that attorney concurred with him. This is a resolution to request a constitutional amendment be drafted. It is not requesting a constitutional convention, just a constitutional amendment. If you have a strong federal government that ignores the states and imposes mandates on them, it may not be apparent. Maybe this legislation will start the snowball rolling in getting back states rights.

SEN. BRENT CROMLEY appreciated the background and research **SEN. O'NEIL** did in presenting this bill to the committee, and giving the committee a chance to think about this issue. **SEN. CROMLEY** wonders if the issue would have to presented to the voters. **SEN. O'NEIL** reviewed Article V of the U.S. Constitution, which says whenever two-thirds of both houses shall deem it necessary, Congress shall proposed amendments to the Constitution. He went on to say the proposed amendment must be ratified by the legislatures of three-fourths of the states.

CHAIRMAN GRIMES then asked how **SEN. O'NEIL** would handle the perception that reversing the amendment would be taking away a democratic right or vote of the people. Obviously, that would be the criticism and would be viewed as undermining the ability of the electoral process to elect U.S. Senators.

SEN. O'NEIL responded he would point out to the people that U.S. Senate campaigns are not financed by the Montana people. Additionally, the person who buys those votes, controls those votes to some degree. Lobbyists in the hallway at the state Capitol have more immediate access to our state legislators than

the public back home. It is logical that would be the same for a U.S. Senator. If someone gave you the maximum amount allowed under law for your campaign, when they approach you, you will listen and make time for them. Our U.S. Senators are going to make time for people such as AT&T, Chase Manhattan, Exxon Mobile, General Electric, Microsoft, Pfizer, and Philip Morris. **SEN. O'NEIL** asked the Committee how many times Max Baucus, Conrad Burns, and Denny Rehberg had contacted them and asked for their input in any legislation going through the federal government. Repealing the 17th Amendment would change that. The people of the state of Montana would have far more input into federal government by having state legislators contact the federal Senators.

SEN. AUBYN CURTISS informed the committee her name is on the Resolution and the idea of enacting some sort of major campaign finance reform is very attractive and feels it is the desire of everyone that we protect states' rights and uphold the 10th Amendment. A few years ago when there was a general call for a conference of the states, there was a general outcry from people all over the state who were concerned that by opening up the constitution, there would be no way that the issues could be limited to the one subject matter. **SEN. CURTISS** still has this concern. There are two opinions across the county. One says you can limit it to the one call, and the other says once the Constitution is opened up, it allows a free-for-all.

SEN. O'NEIL commented there are 27 Amendments to the Constitution. The first 10 were added at a Constitutional Convention, while the others were added individually. This Resolution calls for a Constitutional Amendment not a Constitutional Convention.

SEN. MIKE WHEAT stated extending the logic of this Resolution to the state structure, he wonders if **SEN. O'NEIL** feels the state Senators should be selected by the County Commissioners.

(Tape : 1; Side : B)

SEN. O'NEIL feels this could have some merit, and he does listen to his County Commissioners and allows them input. He would not oppose amending the Montana Constitution to include such a provision.

With regard to the issue of one man, one vote, **SEN. WHEAT** feels we are better off having people go to the voting booth and cast their vote rather than relying on the legislators.

SEN. O'NEIL answered by stating the people who wrote our Constitution were very intelligent and they were vehemently against a democracy. They were for a multi-forum republican government. They did not want only one interest to control the government. They did not want to have one federal government with state governments being appendages. They intentionally made the U.S. Senate a voice of the states, not a voice of one man, one vote, because they wanted it to be a counteracting force. They did not want the election for both houses to be held and financed the same way.

CHAIRMAN GRIMES asked **SEN. O'NEIL** for his perspective of what this would do to the state legislature if the 17th Amendment were successfully repealed. **CHAIRMAN GRIMES** envisioned there would be more interest in the races for state legislative seats, and more interest during the races in who we would select for a U.S. Senator.

SEN. O'NEIL has thought about this and agrees there would be more interest in the state elections. He does not feel money influences our state races as much as it does federal. It is possible to go door-to-door in a local race, where it is not possible for the candidate to go door-to-door in a statewide race. Those candidates rely on radio and television.

SEN. WHEAT stated it is his understanding that in the race in Helena between **SEN. COONEY** and his opponent, they spent $100,000. **SEN. WHEAT** can envision the money that isn't going to go into the federal races will start flowing down into local races.

SEN. O'NEIL stated **SEN. WHEAT** could be correct; however, he feels that money is not the determining factor in local races, but rather going door-to-door is what wins votes.

CHAIRMAN GRIMES commented that he respects our Congressional Delegation and he would not want to embarrass them or make them feel unappreciated.

Closing by Sponsor:

SEN. O'NEIL closed by stating the Resolution states it shall not affect our present federal delegation. As long as Senator Baucus and Senator Burns want to keep running, their election will be by popular vote. Once they retire, their election would be by the state legislators.

EXECUTIVE ACTION ON SB 25

CHAIRMAN GRIMES stated SB 25 had been referred back to the Committee and asked **SEN. JEFF MANGAN** to explain the purpose of bringing the bill back to Committee.

Motion: **SEN. MANGAN** moved **SB 25 DO PASS AS AMENDED.**

SEN. MANGAN apologized for having to bring the bill back to Committee to correct mistakes. **SEN. MANGAN** the first technical issue stemmed from his failure to ensure the initial amendment that gives the definition of disorder in thought and mood so substantial, etc. was also included in Section 3 on page 4.

SEN MANGAN then stated the second problem occurred when he put his technical amendment on the bill. The bill then became unworkable as far as being able to accomplish his whole purpose in bringing the bill. He had wanted to update the law and get it out of the adult realm, because "mental disorder" went back to the adult language. Therefore, he would like to strike, line 26, on page 1, the conceptual amendment he asked the Committee to place on the last time they had executive action. The purpose of the bill is to deal with approximately four youth per year who do not belong in secured correction. Under the current budget for corrections, there are no funds to provide appropriate treatment and professionals in either Riverside or Pine Hills. As a matter of fact, the placement budget for kids has been cut from $400,000 to $170,000 this next biennium. The original intent of the bill was to clarify the language for youth and ensure these youth receive appropriate treatment and not be placed in secure correction.

Motion: **SEN. MANGAN** moved amendment **SB002505.avl BE ADOPTED.**

Discussion:

SEN. DAN McGEE remembers there was a lot of discussion about this particular issue. If you take this language out, then the court will have no jurisdiction over whether the youth poses a significant danger to the community, and may not be put into some sort of restrained facility. **SEN. McGEE** does not feel that would be good public policy, and he liked the bill better with the language **SEN. MANGAN** is suggesting be stricken.

SEN. MANGAN pointed out that was not the original language in the bill. Furthermore, **SEN. MANGAN** feels they will not lose jurisdiction over the youth. **SEN. MANGAN** spoke about a tragedy in Great Falls where a 13-year-old girl killed her sister fighting over a remote control. This girl had quite a few problems. The court sentenced her to the appropriate treatment facility in Texas in Brown School. The court's ability to impose

a sentence such as this will not change. By adding the conceptual amendment, she may have been placed in Riverside where she did not belong. It was clear this young girl belonged in treatment and not in Riverside.

Motion: **SEN. O'NEIL** made an motion to segregate the amendment and to first consider Instruction No. 1 of **Amendment SB002505.avl.**

Vote: Instruction No. 1 on **Amendment SB002505.avl carried by roll call vote, with Senators Curtiss, O'Neil, and McGee voting no.**

Vote: Instruction No. 2 on **Amendment SB002505.avl carried unanimously.** Therefore, **Amendment SB002505.avl** was **ADOPTED** in its entirety.

Discussion:

CHAIRMAN GRIMES noted he received an e-mail which reflected concern that the definition might be unintentionally broad.

SEN. MCGEE stated he will oppose the bill for two reasons. First, by striking the language on page 1, line 26, we have said there is no responsibility on the part of the offender. Second, we have said the court has no jurisdiction over the child to be able to put the child in something besides a treatment-type facility. **SEN. McGEE** understands the focus of those who are concerned about making sure these youth get treatment. But, he is also concerned about the vast majority of people out there who are not in treatment and do not want someone running around out there who is going to kill somebody over a remote. This is a high-policy decision and **SEN. McGEE** objects to changing the Youth Court Act. It is the wrong thing to do to take the discretion away from the court and taking the responsibility away from the individual. If a person has done something to put the public in jeopardy, now the court cannot put that person in a detention facility. This bill is not just about treatment facilities. The bill is indeed about treatment, but it is also about protection of the public. We need to protect the public. **SEN. McGEE** is frustrated with this bill being presented in different formats, and continually trying to overturn what was done in previous sessions. **SEN. McGEE** feels we are treating these individuals like little Bambies and not making them responsible for their actions.

SEN. WHEAT feels we need to keep in perspective that we are dealing with one section of the Code and there are many sections of the Code that deal with youth. For example, if an adult is

shown to have a mental disease or defect, they can avoid having to go to prison, but they have to go to some sort of treatment. It is **SEN. WHEAT's** understanding this give the youth court, when there is a finding the youth suffers from a mental disorder as defined by this section, then the court has latitude to send that child to a facility where the child can be treated. We are not converting these children to Bambies or treating them with kid gloves, we are trying to take kids with serious problems and probably do present a danger to the community, and send them to the proper facility for the right kind of treatment. **SEN. WHEAT** disagrees with **SEN. McGEE** that we are shrugging our responsibility. This gives the court flexibility to deal with kids with serious, serious problems.

SEN. McGEE refuted that if you look at the language just stricken, the court no longer has discretion. **SEN. MANGAN** already testified about the girl who killed her sister over a remote control, however, this girl is not in a detention facility, but rather she is in Texas, and the people of Montana are paying the bill. There is no discretion allowed to the court because the Committee has stricken that language.

(Tape : 2; Side : A)

SEN. O'NEIL agrees with **SEN. McGEE,** and he interprets the bill as saying if a youth his suffering from a mental disease, they are no longer eligible to go to a secure facility. **SEN. O'NEIL** would bet that fifty percent of the kids at Pine Hills are suffering from major depression, schizophrenia, or bipolar disorder. This is tying the court's hands because they can no longer put these kids in a state youth correctional facility.

CHAIRMAN GRIMES recalled the whole purpose was that 53-21-102 only applied to adults, it was awkward, and did not provide a good fit for kids. More medicaid dollars were available, and it would be a better fit to use a severe emotional disturbance definition. **CHAIRMAN GRIMES'** concern is that when we get into the definition discussing severe "disorder in thought or mood so substantial that it impairs judgment, behavior," but then later it says "but not limited to major depression schizophrenia." **CHAIRMAN GRIMES** remembers people testifying that Pine Hills does have some moderately mentally-impaired kids, but just not the severe cases. **CHAIRMAN GRIMES** would like a refresher as to where this language came from and if it only applies to the severe cases and would like to know just how broad the definition is.

SEN. MANGAN replied the definition came from the Department and they had discussions on which definition was broader, this definition or the SED definition. Ultimately, they decided the

SED definition is broader. Originally, this takes us back to adult language. If we want to treat kids like adults, we can use our antiquated system. If we do not want to necessarily treat kids like adults, we need to change areas like this in order to meet the needs of our youth.

SEN. O'NEIL feels this goes farther than what the Committee is considering, because it reads "if a youth who is found prior to placing or sentencing to be suffering." If a mental illness is effectively treated, the youth still cannot be placed in a state youth correctional facility. Evidently, they will need to remain in the high-cost facility. **SEN. O'NEIL** feels that is an unintended consequence, and it is not what the committee intended to do and certainly was not his intention.

SEN. GARY PERRY stated that **SEN. McGEE** has placed enough doubt in his mind that unless these questions are answered, he will have to vote no.

SEN. CURTISS wondered if the amendments addressed the concerns expressed by the probation professionals. **SEN. CURTISS** feels community safety should be the highest priority, and she respects the opinions of professionals who deal with these problems daily.

SEN. WHEAT observed that all these problems could be solved if this legislature resolved itself to provide sufficient funding to have a secure treatment facility within this state. **SEN. MANGAN's** bill is trying to take seriously disturbed children out of facilities like Pine Hills and place them in facilities where they can receive treatment. **SEN. WHEAT** thinks, adding a juvenile treatment division at Warm Springs, for example, would solve this problem.

CHAIRMAN GRIMES is worried that this is so broad **SEN. WHEAT's** suggestion would not be a possibility because it would be a correctional facility and there are treatment options that are secure that would all under youth correctional facility. The other thought **CHAIRMAN GRIMES** keeps returning to is the in-patient psychiatric care issue from the 1995 Session where there was no control over the spiraling costs. This whole discussion brings that to mind and **CHAIRMAN GRIMES** does not want to go in that direction again.

SEN. MANGAN explained the new language simply places a juvenile definition rather than referring back to the adult definition. **SEN. MANGAN** pointed out, at this point, current law says a youth who, prior to placement and sentencing, is found to be found to be suffering from a mental disorder as defined to the adult definition and who meets criteria in 53-21-126, may not be

committed or sentenced to state youth correctional facility. All my language adds is changing from mental disorder as defined to disorder, similar to the same consideration we gave adults in **SEN. KEENAN'S** bill earlier in the session. Killing the bill will revert the law back to current definition. It will not make **SEN. MCGEE** sleep any better, because the language struck earlier is not in the current law. We are simply changing from an adult definition to definition for juveniles. We don't know if the definition is too broad, but that is what the judiciary is for. As in the adult system, the juvenile would have the same right as they do now to say they are suffering from a mental illness and, therefore, he/she needs treatment versus secure incarceration where that type of treatment is not available. It would then be up to a judge and/or jury to determine whether that is credible and enough factual evidence has been presented to make that determination.

CHAIRMAN GRIMES stated the correction professionals came in from Pine Hills and elsewhere and supported the adjustments to the bill and did not seem to indicate that the people currently in their institutions would, in any way, be effected. **CHAIRMAN GRIMES** wanted to know if that was still the case.

SEN. MANGAN replied there are approximately four youth this could affect. There are approximately four youth a year that could fit into this. **SEN. MANGAN** says the budget has been cut to $170,000 per year. If **CHAIRMAN GRIMES'** question is this going to open up a landslide, the answer is absolutely not.

SEN. O'NEIL stated that prior to this bill, a court could put the person into a treatment center, but then when they find out that they are no longer suffering, they can make another finding and put them into a youth correctional facility. This amendment takes away that ability of the court because it says the finding has to be prior to placement or sentencing.

Upon request from **CHAIRMAN GRIMES**, **Ms. Lane** explained she does not read the current language the same way as **SEN. O'NEIL** and asked him to clarify what he is reading that would lead him to that conclusion.

SEN. O'NEIL explained he is reading the first of the sentence beginning on line 21, where it says "prior to placement or sentencing."

Ms. Lane explained that her reading of the current law is that if they find them to be suffering from mental disorder before they have sentenced them, they cannot put the youth in a correctional facility. If, after they have sentenced the youth to a

correctional facility they find they have a mental disorder, then they have to send them to some other more appropriate placement. **Ms. Lane** does not believe the current law addresses at all the situation where they are put in treatment, cured, and then what happens at that time. That scenario is not addressed.

SEN. O'NEIL then stated the plain language of the law says, "A youth is found, prior to placement or sentencing, to be suffering" shall not be committed to a youth correctional facility. Therefore, it does not provide any ability to later make another finding.

SEN. MCGEE asked if he could ask **Mr. Steve Gibson, Division Administrator, Juvenile Corrections**, a few questions. **SEN. McGEE** informed **Mr. Gibson** SB 25 has come back with the express purpose of striking the language on line 26, "unless the court finds that the youth possesses a significant danger to the community" and also to include a new definition of mental disorder on page 4 to make it consistent throughout the bill. **SEN. McGEE** does not have a problem with the definition, although it is broad. **SEN. McGEE's** only concern with the bill is that this would not allow the court to put the youth in a correctional facility. Without this language, we are tying the court's hands. We are saying if the court finds this person has a significant diminished thought process, you may not put this person in a correctional facility. The problem with that is the correctional facility may be the best place for that person. The language on line 26 "unless the court finds that the youth poses a significant danger to the community" was not in current law until the Committee added that language. **SEN. MCGEE** would like **Mr. Gibson** to explain what happens with a severely mentally disturbed youth and whether they currently go to a correctional facility or a secured treatment facility.

Mr. Gibson informed the Committee this is where the whole issue started. The past law states that if they had a mental disorder, they were not supposed to go to a correctional facility. Then the language read, however, if they do go there, the department needs to find an appropriate placement, which would include one of these secure mental health facilities. First of all, when we testified in Senate Judiciary, the current numbers were one to four youth a year that would be this severely mentally disturbed. What has already happened in the past, whether they came because of
misdiagnosis or whether they came to the correctional facility and were later diagnosed, the department would place those juveniles in a secure private treatment facility. The reason for this is Pine Hills and Riverside are not mental health facilities with psychiatrists. The juvenile would still be under Department

of Corrections jurisdiction even if they transferred to a private psychiatric unit in Texas for instance. If the juvenile was later determined to be okay or became a problem, they would come back to Montana and either be placed in Montana or released. In **Mr. Gibson's** mind this can be done in two different ways. The intent is that Pine Hills and Riverside are not mental health facilities and cannot provide proper treatment. The confusion comes with "youth correctional facility" and there is language in another part of the statute defining "youth correctional facility" as either the state correctional facility or another facility under contract with the department. In other words, there are secure, private psychiatric facilities, but not in state. A state correctional facility is not eligible for any medicaid funding. These kids have better access to medicaid funding in these private treatment facilities. Also, in the general fund, prior to this budget there were approximately $358,000 for both Riverside and Pine Hills. Now, that has been reduced to $170,000 per year in the Governor's budget. These kids can cost up to $200 to $300 per day if they do not have medicaid eligibility. If a youth came to the facility and was diagnosed as having one of these severe mental health issues, they would pay total general fund dollars. We are not trying to take away the authority of the court to place in a secure facility, but a more appropriate secured facility.

SEN. McGEE when it says may not be committed or sentenced to a state youth correctional facility, even though you may have a contract with an outfit in Texas, it would still be a correctional funding issue.

Mr. Gibson stated if the confusion is cleared up, it would not be. He views a state youth correctional facility is Pine Hills or Riverside. If a juvenile needs to go to a treatment facility out of state, it is not a state correctional facility.

SEN. McGEE then clarified with **SEN. MANGAN** what this bill is trying to say is that if the court finds a disorder in thought or mood so substantial, etc., you are not going sentence to **Mr. Gibson's** entities, you are going to put those persons in whatever treatment facility is necessary, and that could include a secured treatment facility.

SEN. MANGAN confirmed that was correct.

CHAIRMAN GRIMES wondered if instead of saying "state correctional facility," we should just name Pine Hills or Riverside.

Mr. Gibson stated they are the only state correctional facilities.

Ms. Lane informed the Committee the Code provides a definition of "state youth correctional facility" that refers specifically to Pine Hills in Miles City, or Riverside in Boulder.

(Tape : 2; Side : B)

SEN. McGEE stated if they were sentenced to a state youth correctional facility, it could be determined at that point that they need to go to Texas. At that point, are they receiving medicaid funding?

Mr. Gibson replied they are not, and that is the problem. Once they come to the state correctional facility, they are not eligible for medicaid funding.

SEN. O'NEIL recalled that sometimes youth go to medical facilities, sometimes because of discipline problems or treatment solutions, they revert back to Pine Hills.

Mr. Gibson stated that is correct because of different reasons. Because the facility in Texas, for instance, is private, they can reject. In those cases, we have to go shopping for a facility if the juvenile is not stable and is not able to be in a correctional setting or less-restrictive setting, they still have an obligation to protect the public.

SEN. O'NEIL followed up by asking Mr. Gibson if he would approve of a policy which would state these individuals could not be sent back to Pine Hills after they have been sent to a treatment facility.

Mr. Gibson stated if this were corrected, they would never have been sent to Pine Hills in the first place. They would be ordered to a private secure treatment facility. At that point, if the private facility were to say they could not handle the youth, it would go back to court, and the court would have the opportunity to commit to Pine Hills or find another facility.

SEN. WHEAT stated **Mr. Gibson** testified earlier that the budget for treatment of these youth has been reduced from $358,000 per year to $170,000 for both state correctional facilities. **SEN. WHEAT** wanted to know if the budget is cut, and the courts are now allowed to send these youth to treatment facilities covered by medicaid, whether the medicaid dollars will make up for the budget deficiency.

Mr. Gibson replied that if this bill got to the point where it did not allow this type of juvenile to come to the correctional facility, he would recommend the department's budget be cut

another $170,000 because there would no longer be a need. The money is for the small number of severe-type placements, and it would not be ethical or right to hang onto the money. If the bill were to change to the point that those kids cannot be committed to that correctional facility, he would recommend that we offer up another $170,000 currently in the budget to deal with these youth, and secondly, there are different types of medicaid available. Public Health and Human Services has some obligation here, and sometimes these kids are dual, meaning the kids are involved in Family Services as well, who has the ultimate responsibility for treating this type of juvenile. Again, if this bill were to get to the point that these kids could not come to the state correctional facility, then another $170,000 should be cut out of our budget.

Vote: **SEN. MANGAN's** motion that **SB 25 DO PASS AS AMENDED**, **CARRIED** with **SEN. O'NEIL VOTING NO.**

ADJOURNMENT

Adjournment: 10:30 A.M.

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SEN. DUANE GRIMES, Chairman

_____
CINDY PETERSON, Secretary

DG/CP

EXHIBIT(jus27aad)