

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on February 16, 2005 at 3:20 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Kathleen Galvin-Halcro, Chairman (D)
Rep. Joan Andersen, Vice Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Edward B. Butcher (R)
Rep. Margaret H. Campbell (D)
Rep. Tim Dowell (D)
Rep. Wanda Grinde (D)
Rep. Roger Koopman (R)
Rep. Bob Lake (R)
Rep. Joe McKenney (R)
Rep. Holly Raser (D)
Rep. Scott Sales (R)
Rep. Jon Sonju (R)
Rep. Dan Villa (D)
Rep. John Ward (R)
Rep. Jeanne Windham (D)

Members Excused: None.

Members Absent: None.

Staff Present: Chris Lohse, Legislative Branch
Eddie McClure, Legislative Branch
Nina Roatch-Barfuss, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: HB 620, 2/10/2005; HB 629,
2/10/2005; HB 623, 2/10/2005; HB
672, 2/14/2005; HB 681, 2/14/2005
Executive Action: HB 438; HB 623; HB 574; HB 620

HEARING ON HB 620**Sponsor: REPRESENTATIVE ROBYN DRISCOLL, HD 51, Billings****Opening Statement by Sponsor:**

REP. ROBYN DRISCOLL opened the hearing on **HB 620**, which was a bill to revise the time for registering a teacher's certificate. The bill would amend Section 20-4-202 to bump up the deadline for educators registering their certificates. At present, the law states that a teacher must renew any expiring certificate by July 1. Then the educator must register his/her renewed certificate with the county superintendent within 60 days after the teacher begins to perform his/her services in the school. Each year a few teachers misunderstand the law and don't renew their certificate until the 60-day deadline. Districts must report accreditation information to the Office of Public Instruction (OPI) at the first part of October, including classroom assignments and the school ends up with accreditation penalties because the certified teacher hasn't registered his/her certificate.

With the current November deadline, some teachers wait until the last minute to register their certificate and the school is without an enforcement tool until the November 1 deadline. Upon reaching that deadline, the school can withhold the teacher's pay. Montana teachers can renew their certificates online if they meet one of four criteria. If a teacher meets one of the criteria he/she can download the forms to renew by hard copy. She believed the change in deadline should not be an issue for the teacher. The bill will make the deadline clearer for teachers and it will help schools by adjusting and coordinating deadlines.

Proponents' Testimony:

Rodney Svec, Superintendent of Billings Schools, discussed forms required by OPI from school districts. At present, the completed fall report is due one or before October 10. The county superintendent would receive the certificates in October and then the district is notified if the teacher has not registered his/her certificate and the school is not to pay that teacher. This past year the school year started August 25, so 60 days didn't occur until October 25. He was asking that the district be notified sooner. The bill would not change the fact that the teacher would not be paid if he/she had not registered within the 60-day period. The bill asks that the teacher register by September 30, and the school should be notified by that day.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 7.3}

Darrell Rud, State Administrators of Montana, had sent the CHAIRPERSON an e-mail supporting **HB 620**.

EXHIBIT (edh38a01)

Opponents' Testimony:

Dave Puyer, Montana Rural Education Association (MREA), rose in opposition to the bill. MREA was concerned about the implications the bill might have for the rural schools and the areas outside Montana's metropolitan areas. It appeared to MREA that if there were problems in some of the larger areas, it was an issue that could be dealt with by local board policy. In the rural areas, the 60 days sometimes are important. Many of the county seats are not easily accessible. He informed the committee that many counties do some very innovative things in trying to reach out to local and rural schools in addressing the concern of registering teacher certificates. Some county superintendents go on site and register teachers' certificates. The superintendents don't see it as a problem or a concern.

Informational Testimony:

Cathy Warhank, Chief Legal Counsel for the Superintendent of Public Instruction, came on behalf of the State Superintendent of Schools, Linda McCulloch. She brought to the attention of the committee a situation that could potentially cause an applicant to be unable to register his/her license by the September 30 deadline discussed in the bill. Administrative rules require an applicant for an initial license to submit to a finger print generated background check. Sometimes the fingerprints are rejected by the Federal Bureau of Investigation (FBI). It happens for a variety of reasons, the fingerprinting could have been of poor quality, or a person might have fingerprints that are difficult to print. There could be any number of reasons. If the fingerprints are rejected, the applicant must submit another set until they are accepted and a report generated. The situation doesn't occur often but it does occur with some frequency. The result in the delay of a license being issued could impact a teacher's ability to register and to collect a paycheck.

Questions from Committee Members and Responses:

REP. GALVIN-HALCRO requested information from Rodney Svee. It was her understanding that the teacher's check is generated but not given to the teacher until certification proof is registered. **Mr. Svee** informed her that was correct. He did have one teacher that did not register his certificate until February, as he didn't need the money. **REP. GALVIN-HALCRO** asked what would be

done in the case of an employee who had direct deposit. **Mr. Svee** said the direct deposit would be stopped until the employee met the requirements. He informed her that the situation was not troublesome for the district. He wished to remind the committee that the issue being discussed was how the timing affected the accreditation of the school. If a teacher's certificate is not registered by the time the accreditation report is sent to OPI, then the district takes a deviation.

REP. LAKE sought information from Rodney Svee. **REP. LAKE** informed him that he didn't understand why the registration wouldn't be required prior to the beginning of the school year. **Mr. Svee** informed him that most often the problem is with a first year teacher or a teacher who took credits to become re-certified during the summer. Sometimes the transcript from the school is not received by the teacher until later in the summer and the teacher would have issues getting certified by the end of September.

Closing by Sponsor:

REP. DRISCOLL asked the committee to give school districts the ability to meet accreditation standards and not be penalized because of a requirement that teachers can easily meet.

HEARING ON HB 623

Sponsor: REPRESENTATIVE GARY MACLAREN, HD 89, Victor

Opening Statement by Sponsor:

REP. GARY MACLAREN opened the hearing on **HB 623**. He informed the committee that the purpose of the bill was to clarify the district's responsibility with regards to transportation and roads on which school buses travel and make stops on. In his district there were requests from parents to the school asking the bus to travel on unsatisfactory roads. The bill allows the school district to determine whether the bus route road is safe for a bus to travel on. It gives the district the option of staying on maintained county roads, but is not to the exclusion of traveling dirt roads.

EXHIBIT (edh38a02)

Proponents' Testimony:

Lance Melton, Montana School Boards Association (MSBA), rose in support of the bill. He testified that the issue had come before

the legislature in the past. He knew of an instance where, because of ambiguity in the law, a county transportation committee approved an unsafe route and ordered the school to keep the route. The law provides that the school board is to establish bus routes and the county transportation committee is suppose to approve the bus routes. The bill clears up the present ambiguity in the law.

Dave Puyer, MREA, rose in strong support of the bill. He determined it was a bill for local control. The bill should be addressed now or it will come in the future. He believed that the problems are much larger across Montana than Mr. Melton had described.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. MACLAREN asked for a "do pass" recommendation.
{Tape: 1; Side: A; Approx. Time Counter: 7.3 - 20.5}

HEARING ON HB 629

Sponsor: REPRESENTATIVE ROGER KOOPMAN, HD 70, Gallatin County

Opening Statement by Sponsor:

REP. ROGER KOOPMAN opened the hearing on **HB 629**, which would allow for an alternate teacher certification procedure. He informed the committee that he had not arranged for any proponents due to the tight schedule of the committee. He had spent many years deeply interested in education issues and was fascinated by the question of what works in education. He professed to be a great believer in education reform. He read the preamble to the bill which had not been printed on the bill. The four bills he had brought before the committee all focused on reform and they focused on empowering local school boards. They focused on problems that local schools have faced. One problem is the availability of teachers and another is the quality of available teachers. It was his belief that some highly qualified persons could lack a degree and would not be eligible for a traditional teacher certification. **HB 629** allowed that on a local option basis the board could provide a career pathway into

teaching for the person described. **REP. KOOPMAN** passed out an article by Bob Natelson on education reform. The article reported on research done over the years by Stanford University's Dr. Eric Hanusheck. He told the committee of a ski bum that went from being the school janitor to the school music teacher. It was this type of person his bill addressed. The music teacher is now certified but wasn't when he was given the music teacher position and the opportunity to teach. He passed out a summary of his bill. The bill would allow school trustees to adopt a policy for hiring persons who do not hold a state certificate at the time. The person then becomes "alternately certified" for one year. After the one-year internship, the school district can recommend the person to OPI for an alternate teaching certificate. If OPI certifies the candidate, he/she is eligible to be hired in any accredited public school in the state.

{Tape: 1; Side: A; Approx. Time Counter: 20.5 - 30}

{Tape: 1; Side: B; Comments: The tape was changed during REP.

KOOPMAN's opening statement.}

[EXHIBIT](#) (edh38a03)

[EXHIBIT](#) (edh38a04)

Proponents' Testimony: None

Opponents' Testimony:

Darrell Rud, School Administrators of Montana, sent the committee written opposition to the bill.

[EXHIBIT](#) (edh38a05)

Eric Feaver, Montana Education Association-Montana Federation of Teachers (MEA-MFT), rose in strong opposition to the bill. He claimed teaching is a profession. It required significant preparation, practice and a lifetime of professional development. Montana is known to have outstanding schools for teacher preparation. Montana schools produce the best teachers in the nation and are sought after with better salaries and fringe benefits than Montana can offer. The bill would have a school go unregulated. The fact that Montana has state standards that have been developed over many years of practice and trial and error and that they are adopted by the Board of Public Education and implemented by school districts under the assistance of the Office of Public Instruction would be ignored. The standards are changed periodically to be more comprehensive for school communities. When a teacher comes to a district he is not just someone in off the street who announces that he wants to be a teacher as **HB 629** would allow a person to do. He noticed that the bill went right past provisions that spoke to OPI which issues teacher certificates. The provisions sidestepped all the Montana requirements for certification. The person alternately

certified would not have to take an oath of allegiance to the constitutions of the United States or Montana. The Montana certification laws cannot be swept under the carpet by some local decision. **HB 629** would not survive the test of the No Child Left Behind Act. Mr. Feaver passed out a copy of the statutes that would be swept away by the bill.

EXHIBIT(edh38a06)

Bud Williams, Deputy Superintendent of Public Instruction, on behalf of Linda McCulloch, State Superintendent, rose in opposition and presented written testimony.

EXHIBIT(edh38a07)

{Tape: 1; Side: B; Approx. Time Counter: 0 - 13.6}

Dave Puyer, Montana Rural Education Association (MREA), strongly opposed the bill. The rural schools have suffered the most when it came to filling positions and recruiting teachers. MREA opposed the bill because they agree with the points brought up by Mr. Feaver; i.e., points that lay beyond the surface of the bill. Mr. Puyer saw the suggestion that anyone can go into a classroom a matter of pedagogy. One of the greatest challenges in a school is the ability to manage discipline, classroom management, and child development types of understanding that come about every day. Teaching is a profession and a science. It needs to be learned. Even though a person may have much to offer, there are fundamental things he/she needs to understand to be successful. In the SPONSOR's example about the music teacher, the teacher became legally certified.

{Tape: 1; Side: B; Approx. Time Counter: 13.6 - 17}

Lance Melton, Montana School Boards Association (MSBA), said the bill reflected some of the efforts MSBA had taken in the past but in a different more appropriate form. He felt the bill voided the Board of Public Education's accreditation standards. In 1992 the legislature passed a bill to void a Gifted and Talented Rule of the Board of Public Education and the board went to court and received an opinion that said the board had constitutionally based independent rule making authority not subject to oversight or control by the Montana Legislature. He believed the bill would insight litigation on a constitution issue that had been addressed twelve years ago. He believed MSBA and MREA had been successful in seeking and obtaining a great deal of flexibility under the accreditation standards. The bill is unnecessary because what is sought in it has happened in a very productive and collaborative way before the Board of Public Education.

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. KOOPMAN informed the committee that it appeared to him that the education system is afraid of local control. He felt it was time to stop talking and discussing the reform issues in such a fever pitch. He felt it was important to start to trust the idea of local control and realize how school boards function and how parents hold school boards accountable. He did not believe that because a person holds a teacher's certification it guarantees the person would be a quality teacher. The bill does not talk about less, it talks about bringing in more to the classroom. He passed out an article on Alternative Teacher Certification--An Overview. The article talks about how well the process is working in other places. He believed there was a shortage of quality in available teachers and schools need the opportunity to reach out and hire someone on a one year trial basis. His constituents are telling him the school system is not performing and it is time for reform for the good of the students, the system and the state.

EXHIBIT(edh38a08)

{Tape: 1; Side: B; Approx. Time Counter: 17 - 27}

{Tape: 2; Side: A}

HEARING ON HB 672

Sponsor: REPRESENTATIVE EDWARD BUTCHER, HD 29, Winifred

Opening Statement by Sponsor:

REP. BUTCHER opened the hearing on **HB 672**, which would authorize the transfer of up to 10 percent of the unreserved fund balance of the school's general fund balance to a flex fund for facility repair and maintenance. **REP. BUTCHER** informed the committee that the bulk of the bill would be found on Page 2 where it listed the many uses allowed for the flex fund. He reported that the bill allowed school to do some reasonable planning.

Proponents' Testimony:

Lynda Brannon, Montana Association of School Business Officials (MASBO), stood in support of the bill and presented written testimony from various school districts across the state.

EXHIBIT(edh38a09)

Dave Puyer, Montana Rural Education Association, rose in support of the bill as he believed it would give the schools some flexibility but noted that the amount of money would not be a large sum.

Lance Melton, Montana School Boards Association, stood in support of the bill. He felt the reasons had already been stated for the bill.

Stacy Vestal, Financial Business Manager, Lewistown, School District 1, informed the committee the bill would offer the school a way to become financially responsible and offered a way for the school to do some good planning.

Paul Stengel, Maintenance Director, Lewistown, School District 1, reported that his crew spends the school's annual budget each year. The money set aside would be used to remodel such things as a quarter of a roof or lay a carpet. The money set aside has not grown but the repair costs have. His school has lost the ability to do major maintenance projects. They have used some money from the building reserve fund, but that fund is very ridged in its uses. He believed the bill could offer a well used tool. His department felt that they were not trusted to deal with money.

Rodney Svee, Superintendent of Schools in Billings, informed the committee the bill would be an important tool for his district. Five years ago the district's deferred maintenance was \$64 million. Building reserves of \$10 million in the elementary and \$5 million in the high school have passed and will be used in two years. The district's deferred maintenance presently exceeds \$90 million. The district's buildings are deteriorating. The amount of money in the bill is not large but it would give the trustees a tool to work with. The money could be used for deferred maintenance and could be added to funds for larger projects.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. BUTCHER informed the committee that what attracted him to the issue was the need for planning and budgeting in the school districts. There is a need for flexibility in school spending. Projects need to be addressed before deterioration deems the problem impossible to fix. It made sense to the SPONSOR to address maintenance problems on an ongoing basis.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 9.5}

HEARING ON HB 681

Sponsor: REPRESENTATIVE HOLLY RASER, HD 98, Missoula

Opening Statement by Sponsor:

REP. RASER opened the hearing on **HB 681** which dealt with revising laws on school district consolidation and annexation. The subject of consolidation has been discussed for many years in many studies. Important questions were always whether consolidation could save districts money and if it would improve the quality of education. Recent studies show that consolidation wasn't always cost effective. These studies did show that there were many districts that would like to consolidate for economic efficiencies or educational quality. There are significant problems in current statute that have been barriers to the consolidation process. A working group was created to look at the issue and find the barriers to voluntary consolidation of schools. Recommendations were made to the School Renewal Commission and the bill was the result of the commission's work.

Proponents' Testimony:

Joan Anderson, representing OPI rose in support of the bill and presented a chart illustrating the consolidation and annexation process and written testimony.

EXHIBIT(edh38a10)

EXHIBIT(edh38a11)

{Tape: 2; Side: A; Approx. Time Counter: 9.5 - 24}

Dave Puyer, Montana Rural Education Association, stood in strong support of the bill and believed it was well thought out by many organizations and individuals. He believed one of the problems in current law was where one district has to sign away its responsibilities and the district checkbook to another district. He claimed the bill addressed this problem and others. MREA has never been against consolidation but they are against forced consolidation. He asserted that consolidation and annexation are issues that should be left to local school districts, communities and the trustees that serve them. He believed the bill honored that process. He reported that the Montana Taxpayers Association had asked him to mention that they were in support of the bill.

{Tape: 2; Side: A; Approx. Time Counter: 24 - 30}

{Tape: 2; Side: B}

Marsha Davis, Lewis and Clark County Superintendent, reported that the School Renewal Commission had a county superintendent who participated on the commission and she believed he had represented all state county superintendents and that they

support the bill. She informed the committee that the Craig School District, 50 miles north of Helena, and five miles within the Cascade County line, is an elementary school district with a single teacher and a declining enrollment population. They are down to two students this year and cannot operate next year. Under current law, that board has the option of closing the school and consolidating with the Wolf Creek School District or annex to the Helena School District or to the Augusta School District. Traditionally in the Craig Schools once students leave the elementary school, they go to school in Cascade because it is the closest school district. Current law does not allow them to become part of the Cascade School District, but this bill would allow that school district to annex to Cascade after July 1.

Debra A. Silk, General Counsel, Montana School Boards

Association, rose in support of the bill and presented written testimony.

EXHIBIT (edh38a12)

{Tape: 2; Side: B; Approx. Time Counter: 0 - 18.5}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. ANDERSEN requested information from Debra Silk. She asked if the annexation process allowed the people in a district to split and go to two different districts. **Ms. Silk** informed her that the law anticipates the entire district will attach to another district. There is a provision in law, the Territory Transfer Bill, that was deemed to be unconstitutional by the Montana Supreme Court.

REP. VILLA required information from Debra Silk. He wondered when two districts either consolidate or annex and they decide that the bonded indebtedness will become one, would that be disallowed if the bonded indebtedness exceeds the maximums of the new joint district's ability to bond out. If both districts were capped out on their bonds, could they run their bonds as an option if it was going to exceed their bonded indebtedness. **Ms. Silk** believed that the School Renewal Commission's purpose of doing away with "...with or without bonded indebtedness..." was an equity issue. If two districts are going to form a new district, she felt that the new district should share the bonded indebtedness. The caps from the two districts would have to be looked at to see that the new indebtedness would not exceed the cap.

REP. BRANAE had a question for the SPONSOR. He reminded her that she had reported that school consolidation was not always cost effective. He asked for some rationale as to why that was true. **REP. RASER** reported that several different studies had been done and the most exhaustive study of the issues was the 1993 School Re-organization Montana Report and the six consolidation examples that were studied "...provided little evidence to support the contention that consolidation is an effective way to reduce school costs." It did support the idea that consolidation can result in program improvement.

Closing by Sponsor:

REP. RASER believed the legislature often questions bills that come late in the session. Some believed the bills had been written in haste and were not well thought out. The reason the bill came so late was the complexity of the issues. It has been worked on for a long time and people have been looking at the bill since the start of the session. The bill had been in the hands of the Montana School Boards Association, OPI, etc. The drafters wanted to be sure that the technical issues raised by the working group were addressed appropriately. The bill adds flexibility to the process and simplifies and clarifies the process.

[EXHIBIT](#)(edh38a13)

EXECUTIVE ACTION ON HB 438

Motion: **REP. VILLA** moved that HB 438 DO PASS.

[EXHIBIT](#)(edh38a14)

Motion: **REP. VILLA** moved that HB 438 BE AMENDED.

Discussion:

REP. GALVIN-HALCRO informed the committee that Steve Gettel from the Montana School for the Deaf and Blind had worked with OPI and the Montana Association for the Blind and prepared suggested amendments to the bill. They were distributed. These suggestions were considered when Eddy McClure prepared amendments to the bill for **REP. BUZZAS**. Those amendments had been passed out. A revised fiscal note for the bill was presented to the committee.

[EXHIBIT](#)(edh38a15)

[EXHIBIT](#)(edh38a16)

REP. VILLA went over the amendments with the committee. He had a question for the SPONSOR. He wondered about the new fiscal note.

He asked for an explanation. **REP. BUZZAS** informed him that the new fiscal note was about half of the original one. The new note shows a biennium cost of \$388,000. The new figure was arrived at through negotiations with the parties involved.

REP. LAKE asked the SPONSOR about the four new positions mentioned in the amendment. He was curious about two of the four new positions in the amendment. He wanted to know if the outreach positions would be available to an individual who kept his/her child at home in order to teach the child braille. **REP. BUZZAS** said, "The answer is yes." **REP. LAKE** wanted to verify that an individual that was being home schooled because of his/her blindness would receive the outreach services so that the child could eventually enter the public school system. The question was referred to Steve Gettel from the Montana School for the Deaf and Blind. **Mr. Gettel** informed the REPRESENTATIVE that the four new positions were not for braille instructors. An outreach person might instruct a student in braille once in awhile. The two outreach positions in the amendment would be used to reduce the caseload of present outreach personnel. The other two individuals mentioned in the amendment would be braille specialists who go into a school district and help the district get started in training someone on the school's staff who is going to be doing the braille instruction. **REP. LAKE** asked if the Montana School for the Deaf and Blind would be training the parent to become the instructor. **Mr. Gettel** replied that it would be.

REP. SONJU asked Mr. Gettel if he had been an opponent or proponent during the bill hearing. **Mr. Gettel** said the school was an opponent originally because the school was looking at Provision 6 that would require a braille instructor to have passed a test. A school usually doesn't have persons on its staff that have braille instruction skill. The staff would need to be trained.

{Tape: 2; Side: B; Approx. Time Counter: 18.5 - 30}

{Tape: 3; Side: A}

Vote: Motion that HB 438 BE AMENDED carried unanimously by voice vote REPS. DOWELL and WARD voting by proxy.

Motion/Vote: REP. VILLA moved that HB 438 DO PASS AS AMENDED. Motion carried unanimously by roll call vote with REPS. DOWELL AND WARD voting by proxy.

EXECUTIVE ACTION ON HB 623

Motion/Vote: REP. VILLA moved that HB 623 DO PASS. Motion carried unanimously by voice vote with REPS. BRANAE, DOWELL, KOOPMAN, and LAKE voting by proxy.

EXECUTIVE ACTION ON HB 574

Motion/Vote: REP. BRANAE moved that HB 574 DO PASS. Motion carried unanimously by voice vote with REPS. DOWELL and KOOPMAN voting by proxy.

EXECUTIVE ACTION ON HB 620

Motion: REP. BRANAE moved that HB 620 DO PASS.

Discussion:

REP. LAKE wondered why there was a reason to change the date for a teacher to register his renewed certificate. He believed he had heard concern from the rural schools about shortening the time from 60 to 30 days. He believed the change might cause more problems than it would solve. He said he would not be able to support the bill.

REP. ANDERSEN believed a new teacher might not have time to receive his/her summer transcript and then be certified with OPI and meet the deadline. She would oppose the bill.

REP. VILLA reported that about October 21, the accreditation requirements must be met by the districts. If a teacher does not have his/her license back by the date, the school will get penalized. Mr. Puyer informed the committee that his understanding of the bill was that it cut the time line from the current 60 days to 30 days. In rural areas it makes the time short for a teacher to take care of the registration in the country court house. He believed county superintendents handled the situation in a variety of way. REP. VILLA apologized for his misunderstanding of the bill.

Vote: Motion that HB 620 DO PASS failed 2-14 by roll call vote with REP. BRANAE and REP. GRINDE voting aye. REP. DOWELL voted by proxy.

Motion: REP. VILLA moved that HB 620 BE TABLED AND THE VOTE REVERSED with REP. DOWELL voting by proxy. Motion carried.

ADJOURNMENT

Adjournment: 7:00 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

NINA ROATCH-BARFUSS, Secretary

KG/nb

Additional Exhibits:

EXHIBIT ([edh38aad0.PDF](#))