

MINUTES OF THE MEETING
SENATE JUDICIARY COMMITTEE
March 11, 1983

The fortieth meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on March 11, 1983, at 10:09 a.m., Room 325, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 507: Representative Hannah opened by stating that he was supporting this bill at the request of the Justice of the Peace in Billings, Montana. Representative Hannah feels this bill is necessary because it has been many years since the fees have been raised. The increase is necessary to cover the increasing costs incurred by the court. Representative Hannah pointed out to the Committee that on page 2, line 1, the \$5 fee needed to be amended to \$10 to be consistent with the rest of the bill.

PROPOSERS: Marcel Turcotte, representing the Montana Magistrates Association, stated that he supports HB507. He stated the \$1 filing fee for writs of execution would also help defer costs. Mr. Turcotte also pointed out that due to a lack of time on the part of the Justices of the Peace, it would be helpful if Clerks of Court could witness signatures to complaints. Mr. Turcotte asked the Committee for a do pass recommendation.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Halligan inquired as to whether this bill applied to small claims courts and was told it did. Senator Turnage inquired whether there was any charge for issuing a writ of execution since most writs of execution are issued rather than filed. He was told no.

CONSIDERATION OF HOUSE BILL 429: Representative Hannah testified that firearms being fired within city limits is a big problem, especially in regards to highway signs. He also stated that the current \$25 fine is not much of a deterrent. It is his belief that a \$500 fine, plus the possibility of jail time would have a much greater effect on would-be offenders.

Representative Addy testified that the discharging of firearms may be a minor offense, but it can also constitute a real threat to society. Representative Addy feels more discretion in sentencing should be given to the judge.

Marcel Turcotte testified that this bill contained a fail-safe mechanism. People have, under Section 42-17-311, MCA, a trial de novo, which means a person sentenced in Justice Court who feels his penalty is excessive, can go to District Court for a new trial as if no previous trial ever existed. Mr. Turcotte feels that the District Courts have a large enough case load. It is

Mr. Turcotte's feeling that there needs to be a set fine.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senators Turnage and Daniels expressed concern about this being a municipal matter rather than a matter for the State Legislature. Senator Shaw raised question as to people who are plagued with rabbits and skunks and their right to protect themselves. He was reminded that the law already is in effect, this bill only raises the fine.

There being no further questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 825: Representative Addy explained that HB825 has a very wide scope. Representative Addy explained that HB825 is so complex that a subcommittee was formed. That subcommittee substantially reduced the scope of this bill. Senator Addy then went through each section of the bill for the benefit of the Committee.

PROPOSERS: Patrick L. Smith, representing Northern Plains Resource Council, submitted written testimony and amendments (see attached Exhibit "A"). He testified that it is his belief HB825 is a good bill. Mr. Smith does, however, have problems with page 5, lines 3-5 of the bill. It is Mr. Smith's belief that no party should have the right to set up a time frame in which another party must respond. He stated a landowner usually knows the land is going to be condemned but is uncertain as to how and when. He further testified that a landowner needs more than 20 or 30 days in order to have enough time to deal with the issues. Mr. Smith also expressed concern with the burden of proof. He feels the burden of proof should be on the condemnor rather than the landowner. He stated the condemnor has more expertise in these matters and, therefore, has the advantage. Mr. Smith stated that the key issue in this bill is the "quick-take" provision.

Mr. Bob Tully testified that his main concerns lie with what the citizens of Montana think. It is his feeling that a landowner's property should be taken away only when other means of acquiring the property fail. Mr. Tully stated that eminent domain should not be used as a threat against a defendant and also stated he has had personal experience of this nature. It is his belief that the burden of proof should be with the condemnor and that the "time is of the essence" theory is invalid, as the condemnor knows many years in advance about the condemnation of the land in question. He stated it should not be made difficult for a landowner to protect his rights and property. Mr. Tully urged the Committee to support HB825 with

the amendments as proposed by Northern Plains Resource Council.

Mr. Pat Underwood, representing the Montana Farm Bureau, testified that he supports HB825 as amended.

Ms. Jo Brunner, representing Women Involved in Farm Economics, testified that she supports HB825, as amended by Northern Plains Resource Council.

Mr. Mons Teigen, representing the Montana Stock Grower's Association, the Montana Wool Grower's Association and the Association of State Grazing Districts, testified that he believes the amendments proposed by the Northern Plains Resource Council are good and will help HB825. Mr. Teigen stated that he feels this bill is a step in the right direction.

Representative Ream stated that many farms and ranches in the Missoula area have easements across them for powerpoles, railroads and highways. Mr. Ream stated that he has much concern with HB825.

Mike Zimmerman, representing The Montana Power Company, submitted written testimony (see attached Exhibit "D"). Mr. Zimmerman supports HB825 with these amendments.

Mr. Ward A. Shanahan, representing Northern Tier Pipeline, submitted written testimony and amendments (see attached Exhibit "E"). Mr. Shanahan testified that he supports the amendments of The Montana Power Company and Northern Plains Resource Council but has some concerns with the "quick-take" provisions and feels this is a troublesome provision. Mr. Shanahan related this issue to a case he recently handled in his private law practice which involved the issue of necessity. He stated this would create massive problems with Northern Tier Pipeline's efforts to secure 475 miles of property throughout Montana. Mr. Shanahan expressed concern with the use of "leaseholds or license" on page 3, line 21. Mr. Shanahan informed the Committee that the legal use of the term license is something that is revocable at will. Mr. Shanahan recommended to the Committee that these words be stricken from the bill.

Mr. Jim Beck, counsel to the Department of Highways, testified that with a true "quick-take" provision, a condemnor could get possession without going into court. He stated that in Montana you cannot do this until you prove necessity or pay just compensation.

Mr. Tom Ebzery, representing the Tongue River Railroad, submitted written testimony (see attached Exhibit F) and testified that he supports the bill as passed by the House and also supports the amendments proposed by The Montana Power Company. Mr. Ebzery stated, however, that he opposes Amendment No. 2 of the Northern Plains Resource Council. He stated that eminent domain should be

used only when all other efforts to obtain the land have failed.

Mr. Mike Fitzgerald, representing the Montana Trade Commission, submitted written testimony (see attached Exhibit "G") and stated that he did not support the "quick-take" provision. Mr. Fitzgerald stated that the eminent domain laws are very important and advised that the Committee should proceed cautiously when changing these laws.

Representative Addy then stated that he felt "license" was the correct term to use (in reference to p. 3, line 21) in order to give the courts flexibility and to allow the condemnor to use the land in conjunction with the landowner. Mr. Addy also stated that the language on p. 5, lines 2-6, should be left as was originally intended by the subcommittee. He also stated that he had some problems with amendment No. 3 proposed by The Montana Power Company.

Mr. Patrick Smith, representing Northern Plains Resource Council, stated that in most cases the landowner is handicapped with respect to show cause procedures and Mr. Smith doesn't feel we should make things more difficult for the landowner. With respect to Mr. Shanahan's amendment regarding "license," Mr. Smith supports that amendment. With respect to The Montana Power Company's amendment, Mr. Smith believes that if you delete the word "reasonable," it will weaken the provision.

Written testimony was also submitted by Terry Murphy, representing Montana Farmer's Union, and Fred R. Brown, representing National Farmer's Organization (see attached Exhibits "H" and "I").

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

The Committee had problems with "reasonable." The main question being what constitutes "reasonable?"

Senator Turnage questioned the language used on page 4, line 11, where it states "purchase the property." Senator Turnage asked Mr. Smith if the language shouldn't be "purchase the interest in the property." Mr. Smith agreed and stated that this was simply an oversight and should be "purchase the interest in the property" in order to be consistent with the rest of the bill.

Senator Mazurek asked questions pertaining to what remedy the landowner can take if an offer is not "reasonable." Mr. Smith replied that a landowner could then take the issue to court. He stated that a reasonable offer made and accepted avoids court altogether.

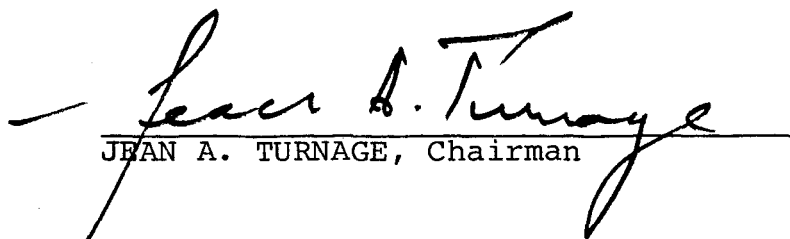
There being no further questions from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 245: It was moved the term "office"-be used instead of "offices" and the other proposed amendments be adopted. The proposed amendments carried unanimously. It was then moved that HB245 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 429: The Committee was concerned with cities not being able to control the problem of discharging firearms within the city by their own ordinance. Senator Turnage suggested that cities be allowed to determine any penalty over \$25. It was moved the proposed amendments BE ADOPTED. he motion carried with Senator Crippen voting in opposition. It was then moved that HB429 BE CONCURRED IN AS AMENDED. This motion carried with Senator Crippen voting in opposition.

ACTION ON HOUSE BILL 507: Senator Daniels suggested replacing \$10 with \$7.50 in subsections (1), (2), (3), (4) and (5), and to replace "filing" with "issuing" on p. 2, line 10. He then moved that the amendments BE ADOPTED. The motion carried unanimously. It was then moved that HB507 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

There being no further action to come before the Committee, the meeting was adjourned at 11:45 a.m.


JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

48th LEGISLATIVE SESSION - - 1983

Date 3-11-83

NAME	PRESENT	ABSENT	EXCUSED
Berg, Harry K. (D)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Daniels, M. K. (D)	✓		
Galt, Jack E. (R)	✓		
Halligan, Mike (D)	✓		
Hazelbaker, Frank W. (R)	✓		
Mazurek, Joseph P. (D)	✓		
Shaw, James N. (R)	✓		
Turnage, Jean A. (R)	✓		

Exhibit "A"

PATTEN & RENZ

ATTORNEYS AT LAW

LOWER LEVEL ONE

FIRST CITIZENS BANK BUILDING

2812 1ST AVENUE NORTH

BILLINGS, MONTANA 59101

(406) 252-6782

JAMES A. PATTEN
JEFFREY T. RENZ

MEMORANDUM

OF COUNSEL
FRED N. DUGAN

TO: Members of the Senate Judiciary Committee

FROM: Patrick L. Smith

SUBJECT: HB 825 (Eminent Domain Revisions)

SUMMARY

We have been requested by the Northern Plains Resource Council to review HB 825 and draft any necessary amendments. The attached amendments are offered to clarify and advance what appears to be the primary purpose of HB 825: to give landowners a reasonable opportunity to defend their private property from condemnation actions. The attached amendments do two things. First, they require the condemnor (plaintiff) to follow the Montana Rules of Civil Procedure to a greater extent. Second, they clarify that the plaintiff has the burden of proof, not the landowner (defendant). In short, a condemnation lawsuit would be treated somewhat like any other civil lawsuit.

HB 825 restores some needed equity to Montana's condemnation laws. Everyone involved would probably agree, however, that there was not a surplus of time to consider the bill in the House. (The House committee heard the bill on Friday; a subcommittee completely rewrote the bill 2 days later on the Sunday before the transmittal deadline.). We find the major problem with the bill to be an amendment, located on Page 5, lines 2 through 6 (hereinafter the Page 5 Amendment), and believe it should be deleted.

PROBLEMS WITH THE PAGE 5 AMENDMENT

1. The Condemnor Can Choose its own timeframe.

A major problem with the Page 5 Amendment is that it can easily be interpreted to allow the condemnor to choose when the landowner must appear in court to show cause why his property should not be condemned. (See page 5, line 5). This is patently unfair and contrary to the Montana Rules of Civil Procedure. The condemnor should not be allowed to arbitrarily create timeframes to suit its legal strategy, and then force these timeframes on a landowner in a judicial proceeding. The landowner in a condemnation suit, like a defendant in other civil lawsuits, should be allowed sufficient time to evaluate the claims against him and to investigate the relevant facts and law. In fact, the need to grant a landowner sufficient time to respond to the plaintiff's complaint in a condemnation action may

be more compelling than in the usual civil lawsuit because (1) the landowner's most fundamental private property rights may be at stake, and (2) the condemnor is likely to possess superior resources, expertise, and experience in the field of condemnation.

2. The show cause hearing is unfair.

As described above, the Page 5 Amendment can require the landowner to appear in court at a time specified by the condemnor. At that hearing, a landowner would essentially have to present his case-in-chief, his complete defense to all of the plaintiff's allegations on the question of why his land should not be condemned. With the exception of the issue of amount and method of compensation, all other issues would be before the court. Such issues could include (1) whether the condemnor's use is authorized by law, (2) whether the public interest requires the taking, (3) whether the condemnor possesses the right to condemn, (4) that the taking is necessary, (5) that a reasonable effort to purchase was made by the condemnor, (6) alternatives, or alternative routes or locations, and (7) determining what interest in property is required. These questions involve substantial legal and factual issues. The show cause hearing unreasonably inhibits the ability of the landowner to investigate these issues and prepare his defense. He is short-changed of the usual discovery tools and time afforded to other civil litigants.

3. The show cause hearing alters the burden of proof.

Under Montana law, the general rule in civil litigation is that the party making the affirmative allegations (the plaintiff condemnor) must prove his allegations by a "preponderance of the evidence." See 26-1-401, 26-1-402 MCA (1981). This general rule is altered by the show cause provision of the Page 5 Amendment. Under it, the landowner must show cause why his property should not be condemned, despite the fact that he did not initiate the lawsuit. This is unreasonable for the policy reasons already mentioned (private property at stake, and inferior resources, experience, expertise) and because it runs contrary to the general rule on burden of proof in civil litigation.

Compelling legal arguments support the position that the show cause hearing does not switch the burden of proof from the plaintiff to the defendant but, instead, shifts the burden of going forward with the evidence. The Montana Supreme Court has recognized that a show cause hearing can shift the burden of going forward with the evidence from the plaintiff to the defendant. See Gibbons v. Huntsinger, 105 Mont. 562, 74 P.2d 443 (1937). In any event, the show cause hearing in the Page 5 Amendment affects and shifts the burden of proof to the landowner in a significant way.

In sum, the short timeframe to prepare a defense, the disparity in resources and expertise, and the shift in burden of going forward with evidence merge to the distinct and unreasonable disadvantage of the landowner. For these reasons, the Page 5 Amendment should be deleted.

EFFECT OF ATTACHED AMENDMENTS

Amendment No. 2. This is the most substantive amendment. It deletes the Page 5 Amendment. The effect of this deletion is that the Montana Rules of Civil Procedure would, to a greater extent, govern the preliminary condemnation proceeding. For example, under these rules the defendant ordinarily must file its answer within 40 days of receipt of the complaint. Montana's existing eminent domain law requires application of the Rules of Civil Procedure to the extent they are not in conflict with the eminent domain law. See 70-30-201; page 4, line 17.

Amendment No. 5. This amendment benefits the condemnors. It requires the court and all parties to the preliminary condemnation proceeding to proceed expeditiously.

Amendment No. 1 and No. 4. These two amendments clarify that the plaintiff condemnor retains the burden of proof with respect to the five facts necessary to be found before condemnation. See 70-30-111, page 4.

Amendments No. 3 and No. 6. These are minor nomenclature amendments.

Dated this 10th day of March, 1983.

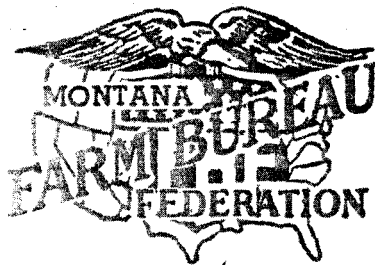
Respectfully submitted,



Patrick L. Smith

Amendments to HB 825

1. Page 4, line 4, following the comma, STRIKE "it must appear" and INSERT "the plaintiff must show by a preponderance of the evidence".
2. Page 5, line 2, following the period, STRIKE the rest of line 2 through line 6.
3. Page 7, line 22, following "court", STRIKE "is satisfied" and INSERT "finds and concludes".
4. Page 8, line 1, STRIKE "facts necessary to be found before condemnation appear" and INSERT "plaintiff has met his burden of proof under 70-30-111".
5. Page 9, between lines 6 and 7, INSERT "(4) After a complaint as described in 70-30-203 is filed, and prior to the issuance of the preliminary condemnation order, all parties shall proceed as expeditiously as possible, but without prejudicing any party's position, with all aspects of the preliminary condemnation proceeding including discovery and trial. The court shall give such proceedings expeditious and priority consideration. .
6. Page 13, line 25, STRIKE "answer" INSERT "statement".



MONTANA FARM BUREAU FEDERATION

502 SOUTH 19th

Dial 587-3153

BOZEMAN, MONTANA 59715

BILL NUMBER. HB 825

DATE MAR 14, 1983

SUPPORT OPPOSE AMMEND as ammended

NAME PAT Underwood

COMMENTS:

The Montana Farm Bureau supports
HB 825 as ammended!



WIFE Women Involved in Farm Economics

NAME JO BRUNNER BILL NO. HB 825
 ADDRESS 563 3rd St. HELENA DATE March 11/83
 REPRESENT WOMEN INVOLVED IN FARM ECONOMICS
 SUPPORT X OPPOSE AMEND

COMMENTS:

The members of the Women Involved in Farm Economics wish to support HB 825.

While we are not in complete accordance of the original bill submitted we find that ^{the} changes made are agreeable to us and will give us better protection in cases where crossing agriculture property is requested by eminent domain. *We support the amendments offered by H. 1*

We believe also, that much of the language has been changed to be more agreeable with those initiating the process, and ~~once more~~ W.I.F.E.

appreciates efforts ~~made by both sides in legislation such as this to cooperate for our mutual benefits.~~ *the fact that legislators and others*

We concur with HB 825 - *interests do need right of way but we concur with their attempts to protect our farmers & ranch interests!*

NAME: Michael E. Zimmerma DATE: 3-11-83

ADDRESS: 40 E Broadway

PHONE: 723-5421

REPRESENTING WHOM? MPC

APPEARING ON WHICH PROPOSAL: HB 825

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: _____

In its present form MPC can accept HB 825.

We are, however, preparing the attached amendments
to suggest to the committee further clarification

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

House Bill 825: Second Reading

1. Page 4, line 11.
Following: "(4)"
Strike: Remainder of subsection
Insert: "that an effort to obtain the interest sought to be condemned was made by submission of a written offer and that such offer was rejected; and"
2. Page 5, line 3.
Following: "answer"
Strike: "to the issue of public necessity"
3. Page 5, line 4.
Following: "appear"
Insert: "at a place and time, *specified in the summons* no sooner than 20 days following the service of the summons,"
4. Page 5, line 4.
Following: "cause"
Strike: "at a time and place specified therein"
5. Page 13, line 25.
Following: line 24
Strike: "answer"
Insert: "statement of claim of just compensation"
6. Page 14, line 11.
Following: line 10
Insert: "If the defendant fails to file a statement of claim of just compensation within 10 days as specified in 70-30-207, plaintiff may obtain a possession order provided for in this subsection subject to the condition subsequent that a plaintiff's payment into court shall be made within 10 days of receipt of the defendant's statement of claim."

House Bill 825: Second Reading

Amendment, page 4, line 11.

In its present form, House Bill 825 states five facts that must be found before property may be taken. One of these facts is: "that a reasonable effort to purchase the property was sought and a written offer was made and rejected" "Reasonableness" is a subjective standard that has not been delineated by the courts. This recommended amendment removes the subjectivity and retains the bill's intent that proof of a written offer to purchase be made and rejected before condemnation proceedings may be initiated.

Amendment, page 5, line 3.

MCA 70-30-202, amended by this section of House Bill 825, provides procedures filing the complaint and summons. Since the preceding section contains five findings necessary before condemnation may be begun, the answer should not be restricted to just the issue of public necessity. This proposed amendment broadens the requirement so that the notice will indicate that an answer must be filed to respond to each issue stated in the complaint.

Amendment, page 5, line 4.

This amendment states that a show cause hearing may not be heard prior to the running of the time allotted the defendant to submit an answer to the complaint.

Amendment, page 13, line 25.

This is a housekeeping amendment to conform the language of MCA 70-30-311 to the changes House Bill 825 makes to MCA 70-30-207 which requires a defendant to file a "statement of his claim of just compensation." See page 9, line 18.

Amendment, page 14, line 11.

MCA 70-30-311 allows a court to put a condemnation plaintiff in possession after the payment into court of the amount of compensation claimed by the defendant in his statement of claim of just compensation. The proposed amendment addresses the possibility that the defendant may fail to file a statement of claim. This amendment may avoid unwarranted delay.

NAME: WARD SHANAHAN DATE: 3-11-83
ADDRESS: 301 FIRST BANK BLDG HELENA P.O. Box 1715
59624
PHONE: 442-8560

REPRESENTING WHOM? NORTHERN TIER PIPELINE COMPANY

APPEARING ON WHICH PROPOSAL: HB 825

DO YOU: SUPPORT? _____ AMEND? XX OPPOSE? _____

COMMENTS: Oral Statement. We support the
Montana Power Amendment

We also believe the bill should be
further amended by deleting the words
"leasehold, or lease" on page 3
line 21 of the second reading copy of the
bill.

Ward Shanahan

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Tom Ebery DATE: _____

ADDRESS: 1500 Polk Dr. BILLINGS, MT

PHONE: 245-4881

REPRESENTING WHOM? Jongue River Railroad

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: We support the Yell as passed
by the House & also support the
amendments of Montana Power. Oppose
Amendment #2 of ~~APB~~ NORTHERN PLAINS
Resource Council

NAME: W. J. [unclear] DATE: 11 Mar 65

ADDRESS: 1112 S. James Street

PHONE: 413-7910

REPRESENTING WHOM? Montana Fish Commission

APPEARING ON WHICH PROPOSAL: HB 805

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I support in present form ~~Section 4~~

~~Section 4~~ and amendments w/c page 5
Section 4. If there are yet unresolved problems with
the present mining law, they should be
dealt with in an interim study in order to
take time to weigh the benefits and problems
of further changing the law.

This law is basic to many major resource sources
in Montana. Because it affects resources
of our mining ^{resource} industries, therefore the current
mining law should not be substituted without
first analyzing the potential economic impacts.
If you believe that further resource development is
in the public interest in Montana.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

support w/ ~~Section 4~~
page 5 yet 4
resource amendment

NAME: Terry Murphy DATE: 3-11-83

ADDRESS: Great Falls

PHONE: _____

REPRESENTING WHOM? Nt. Farmers Union

APPEARING ON WHICH PROPOSAL: HB 825

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: As amended we support HB 825

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

March 11

19 43

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 245

Addy (Mazurek)

Respectfully report as follows: That HOUSE Bill No. 245
third reading, be amended as follows:

1. Page 1, line 14.

Following: "business."

Insert: "(1)"

2. Page 1, line 20.

Strike: "THE STATE OF MONTANA OR ANY PART thereof"

Insert: "the areas provided in subsection (2)"

3. Page 1, line 25.

Following: "I"

Insert: "(2) The agreement authorized in subsection (1) may
apply in:

(a) the city where the principal office of the business is
located;

(b) the county where the principal office of the business
is located;

(c) a city in any county adjacent to the county in which the
principal office of the business is located;

~~DEPASS-~~

Continued on page 2

J/C

- (d) Any county adjacent to the county in which the principal office of the business is located; or
- (e) any combination of the foregoing."

4. Page 2, lines 11 and 12.

Strike: "~~THE STATE~~ OF MONTANA OR ANY PART THERE OF"

Insert: "the areas provided in 28-2-704(2)"

And,
As so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 11

19 83

PRESIDENT

MR.

We, your committee on **JUDICIART**

having had under consideration **HOUSE** Bill No. **507**

Hannah (Crippen)

Respectfully report as follows: That **HOUSE** Bill No. **507**

third reading, be amended as follows:

1. Page 1, line 20.

Strike: "\$10"

Insert: "\$7.50"

2. Page 1, Line 22.

Strike: "\$10"

Insert: "\$7.50"

3. Page 1, Line 24.

Strike: "~~20~~"

Insert: "\$7.50"

4. Page 2, Line 1.

Strike: "\$5"

Insert: "\$7.50"

XXXXXX
DO-PASS

Continued on page 2

5. Page 2, Line 8

Strike: "\$10"

Insert: "\$7.50"

6. Page 2, Line 10.

Following: "for"

Strike: "filing"

Insert: "issuing"

And, as so amended,
BE CONCURRED IN