

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **SENATOR BRUCE D. CRIPPEN**, on January 29, 1997, at 9:00 a.m., in the Senate Judiciary Chambers (Room 325) of the State Capitol, Helena, Montana.

ROLL CALL

Members Present:

Sen. Bruce D. Crippen, Chairman (R)
Sen. Lorents Grosfield, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Sharon Estrada (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter L. McNutt (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Services Division
Jody Bird, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 43, posted January 23 1997
SB 201, SB 202, posted
January 22, 1997

Executive Action: SB 48, SB 99, SB 79, SB 176

EXECUTIVE ACTION ON SB 48

Amendments: Prior executive session.

Motion: SENATOR MIKE HALLIGAN MADE A MOTION THAT 48 DO PASS AS AMENDED.

Discussion: SENATOR HALLIGAN. The assumptions have been dropped to zero.

SENATOR RIC HOLDEN. We need to look at how this program will be funded. It's possible that the Fiscal Note could total \$1 million.

SENATOR HALLIGAN. The counties can set up a new center or use existing facilities/officers. We in the Study Commission just tried to ensure that we're not increasing the funding, but rather re-pool existing resources. We not talking about new dollars here, and so we are able to zero this thing out (EXHIBITS #1, #2, #3).

Vote: SENATOR HALLIGAN'S MOTION CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SENATOR HOLDEN WHO VOTED NO.

{Tape: 1; Side A; Approx. Time Count: #7.0; Comments: 9:14 a.m..}

EXECUTIVE ACTION ON SB 99

Amendments: SENATORS BARTLETT AND HALLIGAN.

Motion: SENATOR HALLIGAN MADE A MOTION TO ADOPT AMENDMENTS sb009903.avl.

Discussion: SENATOR HALLIGAN. Judge John Larson believes the Fiscal Note is zeroed out here, as well, and so it takes adult sentencing out to achieve this cost reduction. The extended jurisdiction allows the Court jurisdiction of juveniles to age 25, so they don't get out of recompensing the victim when they turn 18.

SENATOR HOLDEN. What does this Fiscal Note say? **SENATOR HALLIGAN.** This Fiscal Note will be null and void, and we will request a revision before the bill goes to the Senate floor for discussion.

Vote: SENATOR HALLIGAN'S MOTION TO ADOPT THE AMENDMENTS CARRIED UNANIMOUSLY.

Motion: SENATOR SUE BARTLETT MADE A MOTION TO ADOPT AMENDMENTS sb009902.avl.

Discussion: SENATOR BARTLETT. This strikes and repeals 41-5-208, MCA altogether, pertaining to transfer of supervisory authority to adult district court, on page 5 of the bill. Judge Diane Barz' opinion related to Section 208, posing a double jeopardy problem, i.e., the possibility of two sentences for the same crime. The Interim Study Commission looked at this section and tried to amend it as well.

SENATOR HALLIGAN. I wish I knew if SENATOR BARTLETT were correct. I do think there is a double jeopardy issue here, but am opposed to changing it now. I want to see the Fiscal Note, and read Judge Barz' decision, then talk to a few more judges in other states where this is already in operation.

SENATOR HOLDEN. Did you go over these amendments with the sponsor? **SENATOR BARTLETT.** No, I did not.

SENATOR HALLIGAN. What was Judge Larson's comment on this?

SENATOR BARTLETT. He wants to keep this language in the statutes, but I believe the Legislature has a responsibility to address the double jeopardy issue.

SENATOR STEVE DOHERTY. I also spoke to Judge Larson and got the same information, but Judge Barz does believe there is no problem in correcting the double jeopardy issue, and they're both pretty good judges. I believe Judge Barz' decision was well-reasoned and accurate. **VICE CHAIRMAN LORENTS GROSFIELD.** Now, in this bill, 208 is completely rewritten, so its a whole different deal. Would Judge Barz' decision be the same with 208 the way it is now? **SENATOR DOHERTY.** Her law clerk sent a memo saying she still sees the same problem, even with these changes.

CHAIRMAN CRIPPEN. The severability clause doesn't hurt this situation. **VICE CHAIRMAN GROSFIELD.** The severability clause doesn't apply to 208. **CHAIRMAN CRIPPEN.** But it would apply to this amendment. **SENATOR HALLIGAN.** These concerns are valid.

SENATOR BARTLETT. All the bill does is provide some due process procedures, but does not deal with the double jeopardy situation, leaving the potential for an adult sentence, as well as a juvenile sentence. It makes sense to pass this amendment, otherwise there is no assurance the issue will receive the same kind of consideration and attention.

{Tape: 1; Side: A; Approx. Time Count: #24.7; Comments: 9:32 a.m..}

Vote: SENATOR BARTLETT'S MOTION TO ADOPT AMENDMENTS sb009902.av1 FAILED IN A ROLL CALL VOTE (5-4).

Motion/Vote: SENATOR HALLIGAN MADE A MOTION THAT SB 99 DO PASS AS AMENDED. THE MOTION CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SENATOR BARTLETT WHO VOTED NO.

EXECUTIVE ACTION ON SB 79

Amendments: HALLIGAN amendments.

Motion: SENATOR MIKE HALLIGAN MADE A MOTION TO ADOPT HIS AMENDMENTS.

Discussion: Clyde Dailey. The amendments allow a licensing category as an investment adviser or investment adviser representative, and exempts national banks and trust corporations.

Vote: SENATOR HALLIGAN'S MOTION TO ADOPT HIS AMENDMENTS CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SENATOR HOLDEN WHO VOTED NO.

Amendments: sb007902.avl

Motion: VICE CHAIRMAN LORENTS GROSFIELD MADE A MOTION TO ADOPT HIS AMENDMENTS.

Discussion: VICE CHAIRMAN GROSFIELD. The estimate on the Fiscal Note is not a good one, as to how many will be licensed. If there are not enough licensees, the general fund would have to subsidize the program. This amendment gives the Department the authority to increase fees by rule, if they don't get enough licensees to fund appropriately.

CHAIRMAN CRIPPEN. I don't see any provisions for fines. VICE CHAIRMAN GROSFIELD. The amendment includes both fines and fees.

Vote: VICE CHAIRMAN GROSFIELD'S MOTION TO ADOPT AMENDMENTS sb007902.avl CARRIED UNANIMOUSLY.

Motion: SENATOR HALLIGAN MADE A MOTION THAT THE FINE BE CHANGED TO \$10,000, ON PAGE 6, LINES 2 AND 10.

Discussion: Clyde Dailey. If the fine goes up, the securities industry may have a problem with it. The fine is \$5,000 per violation now. SENATOR HALLIGAN. How long has the \$5,000 fine be in place. Clyde Dailey. About ten years, to the best of my knowledge.

Vote: SENATOR HALLIGAN'S MOTION TO AMEND CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SENATOR HOLDEN WHO VOTED NO.

Motion: SENATOR HALLIGAN MADE A MOTION THAT SB 79 DO PASS AS AMENDED.

Discussion: SENATOR RIC HOLDEN. I don't believe this needs to be done, as licensed attorneys can prepare this material properly. We will always have rip-off artists. The Department of Commerce said they could handle this under the Consumer Protection Act, if it were expanded. So, I believe we need a bill to do that.

CHAIRMAN CRIPPEN. The Auditor's Office is charged with insurance licensing and oversight, and has done a pretty fair job over the years. I like the bill, as I was involved in estate planning over the past years. The worst problems were the fly-by-nighters. This is something we have to do to protect our own industry from blemish.

Vote: SENATOR HALLIGAN'S MOTION THAT SB 79 DO PASS AS AMENDED CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SENATOR HOLDEN WHO VOTED NO.

EXECUTIVE ACTION ON SB 176

Amendments: sb017602.avl

Motion: VICE CHAIRMAN LORENTS GROSFIELD MADE A MOTION TO ADOPT AMENDMENTS sb 017602.av1.

Discussion: VICE CHAIRMAN GROSFIELD. This was SENATOR HERTEL's and MACO's (Montana Association of Counties). My sense is the bill is a dead duck, but I'm trying to offer something satisfactory. The amendments puts back in the deleted language, and attempts to define substantial hardship as exempting the family home and a vehicle necessary for work.

I found that some courts use a form and some don't, so the amendment requires the Department of Justice to prescribe a form and to make it available, for the disclosure of income and assets. This should provide more guidance.

SENATOR JABS. If we reinsert this language are we really making a change, and has the sponsor seen it? VICE CHAIRMAN GROSFIELD. SENATOR HERTEL saw it and was okay with it. My sense was it would not get out of committee without these changes.

CHAIRMAN CRIPPEN. "Necessities" is present law.

SENATOR BISHOP. What if the home is worth \$200,000 and is free and clear? VICE CHAIRMAN GROSFIELD. The language allows a judge to find specifically otherwise in determining hardship.

SENATOR DOHERTY. I believe it is a more specific approach, i.e., making judges have findings prior to assigning court-appointed counsel. Most court-appointed attorneys are busy enough, and if there is any way to have people find their own lawyer, that is good.

Vote: VICE CHAIRMAN GROSFIELD'S MOTION TO ADOPT AMENDMENTS sb017602.av1 CARRIED UNANIMOUSLY.

Motion/Vote: VICE CHAIRMAN GROSFIELD'S MOTION THAT SB 176 DO PASS AS AMENDED CARRIED UNANIMOUSLY WITH ALL MEMBERS VOTING AYE EXCEPT CHAIRMAN CRIPPEN WHO VOTED NO.

{Tape: 1; Side: A; Approx. Time Count: #55.5; Comments: 10:00 a.m..}

HEARING ON HB 43

Sponsor: REPRESENTATIVE PAUL BANKHEAD, HD 72, Heron.

Proponents: Diana Leibinger-Koch, Department of Corrections
Christopher Miller, Powell County Attorney, Montana
County Attorneys and for John Conner, Department
of Justice

Opponents: None

Opening Statement by Sponsor: **REPRESENTATIVE PAUL BANKHEAD, HD 72, Heron.** HB 72 deals with felony escape, including in transit to or from a facility. It changes the definition of official detention to "in the custody of." If they are in custody for a felony, then it would be felony escape.

{Tape: 1; Side: A; Approx. Time Count: #59.9; Comments: None.}

Proponents' Testimony: **Diana Leibinger-Koch, Department of Corrections.** This bill is designed to prevent this vicious cycle from recurring. We have been trying to plug this hole since the 1980s. It includes any inmate in the custody of the Department or any inmate on furlough (**EXHIBIT #4**).

Anyone who is in custody for a misdemeanor offense and escapes is guilty only of misdemeanor escape and/or eluding custody.

Christopher Miller, Powell County Attorney, Montana County Attorneys and John Conner, Department of Justice. Most escape cases are mine. I believe the bill will save time in the courts, will be easier for inmates to understand, and will have a good effect in any county dealing with such (**EXHIBIT #5**).

Questions From Committee Members and Responses: **SENATOR STEVE DOHERTY.** If an individual was in custody and escaped, would it be a misdemeanor offense? **Diana Leibinger.** Yes, but if they had a weapon, then it would be aggravated felony escape. If any have a weapon, however, then it would be aggravated felony escape for them.

SENATOR DOHERTY. How many have escaped in the last five years when they were outside or on work assignment? **Christopher Miller.** About 20.

SENATOR DOHERTY. What percentage of those were outside the prison walls versus inside? **Christopher Miller.** A total of 250??? escapes in the past five years includes centers around the state. We haven't had a successful escape from inside for about seven years.

Closing by Sponsor: **REPRESENTATIVE BANKHEAD.** Clearly the Supreme Court has issued the Legislature a challenge. I want to thank the Committee for its kind consideration of this bill.

HEARING ON SB 201

Sponsor: **SENATOR WILLIAM GLASER, SD 8, Billings**

Proponents: **REPRESENTATIVE DEB KOTTEL, HD 45, Great Falls**

Opponents: **Betty Waddell, Montana Association of Churches
Sharon Hoff, Montana Catholic Conference
Edward F. Sheehy, Jr., American Civil Liberties Union
(ACLU)**

Pastor Ken Moore, First Christian Church, Helena
Scott Crichton, Executive Director, ACLU of Montana

Opening Statement by Sponsor: SENATOR WILLIAM GLASER, SD 8, Billings. I didn't intend to elevate this situation to the level of a zoo, as has been done in prior years.

{Tape: 1; Side: A; Approx. Time Count: #73.2; Comments: None.}

This legislation says if someone is twice convicted of rape with seriously bodily injury to the victim, the Court has the option of the death sentence. The bill also applies to the same crime committed outside of Montana and then committed in Montana.

It provides a definition of rape with serious bodily injury. These criminals are hiding in closets and are not in public. Fifty percent of these predators are repeat offenders.

The Fiscal Note describes the bill. The average time served nationally for this crime is twelve years.

Proponents' Testimony: REPRESENTATIVE DEB KOTTEL, HD 45, Great Falls. The bill is not mandatory, but allows these offenses as consideration for a judge to allow the death penalty. Retribution means to equalize, to provide equity. If you are opposed to the death penalty in principle, there's nothing I can say.

There is more than one way to take a life or to tear the soul out of a person. Several years ago a man raped a six-month-old baby, and ripped her esophagus. Afterward that baby cringed whenever she heard a human voice.

People who have been raped might also have their throats cut or be beaten and left on the side of the road, and live through it. I am asking the Committee to give the Judiciary branch a tool to be used if a repeat offender commits crimes of such horrific nature that the death sentence seems appropriate.

Opponents' Testimony: Betty Waddell, Montana Association of Churches read from prepared testimony (EXHIBIT #6). This bill discriminates against the poor and minorities, as average prosecution costs are about \$200,000, and average defense costs are about \$5,000. Miscarriages of justice are nearly impossible to fix. Approximately 38 convictions were wrong in the past decade. Kansas estimated that reinstatement of the death penalty would cost about \$11.5 million per year. In Florida, the cost was \$3,178,628 for each of 18 executions.

This legislation is morally wrong, it is discriminatory, it is expensive, and it may serve to promote violence.

Sharon Hoff, Montana Catholic Conference. A few years ago, two elderly women friends in Helena were raped. I don't believe the

death penalty is a appropriate response to any crime. Look at Texas.

Rape is a compulsive, violent crime. This is not a deterrent. It is hardly ever appropriate to use the death penalty. We can punish without death.

Edward F. Sheehy, Jr., American Civil Liberties Union (ACLU).

The U.S. Supreme Court said those facing the death sentence must be represented by an attorney with capitol punishment experience. I am one of the few attorneys in Montana with this experience.

On it's face, the bill violates the Eighth Amendment, which prohibits cruel and unusual punishment "purposeless and needless form of pain and suffering". In Kober v Georgia, in a plurality opinion, the Court said it violated the Eighth Amendment and was grossly disproportionate to the crime.

We now have an effective means (since 1995) of punishing by allowing life imprisonment even for those convicted of rape for the first time. We also have prison without the possibility of parole for conviction of second offenses of rape.

Pastor Ken Moore, First Christian Church, Helena. What is appropriate retribution? We talked about the increased cost of the death penalty versus incarceration. In countries with execution, there has been a parallel of violence, even state by state in the United States.

Scott Crichton, Executive Director, ACLU of Montana, adding to Mr. Sheehy's comments. We stand for the rights of all, whether they are on the inside or the outside. Section 22 of the laws of the State of Montana, and the Eighth Amendment of the U.S. Constitution cover what is allowed as a responsibility concerning broadening and imposing the death sentence. We found that 90 percent of professional involved oppose the death sentence.

I noted that there are no professional criminologists present to testify in favor of this bill.

{Tape: 1; Side: B; Approx. Time Count: #00; Comments: 10:57 a.m.}

Questions From Committee Members and Responses: SENATOR MIKE

HALLIGAN. I am looking at the actual section at the bottom of page 2 of the bill. **REPRESENTATIVE GLASER.** If a person is

convicted twice, then the death penalty option is available.

This bill was drafted by John Macmaster, and if there are any inconsistencies in the bill, I would appreciate the opportunity to correct them. There is no exception for the age of the

perpetrator. **REPRESENTATIVE KOTTEL.** Juveniles are not convicted of such crimes unless they are tried as an adult by petition. I see the error, and I believe it can be corrected.

SENATOR REINY JABS. Isn't it the purpose of the death penalty to remove perpetrators from threat to society?

SENATOR STEVE DOHERTY. If an individual were convicted of statutory rape, and did time, and then came to Montana, would that prior incident subject the individual to the death penalty?

REPRESENTATIVE KOTTEL. Unless statutory rape is listed, it may not be a rape where serious bodily harm was inflicted. This bill allows prosecutors to say that some horrific crimes deserve the death penalty to be equitable to the crime.

SENATOR DOHERTY. With respect to Mr. Sheehy's testimony on certain cases, does that opinion say that after raping two times the death penalty is unconstitutional? **REPRESENTATIVE KOTTEL.** That decision says to me that the death penalty is not cruel and unusual. There is no guarantee of equity in the statutes. The Supreme Court quite clearly leaves open the door that the death penalty is not cruel and unusual in certain cases outside of homicide.

SENATOR DOHERTY. With regard to the comment that there are a number of ways to take a life other than death, if the grocery store clerk in Great Falls who was shot several times had died, that would have been a capitol offense. Now, under this bill, how would this apply? Where do we draw the line in that particular case? Should we be talking about capitol crimes to include these instances? **REPRESENTATIVE KOTTEL.** These are legislative policy decisions. Although I am not opposed to the death penalty, in no way is it appropriate to not impose it when people survive an attack terribly scarred. What if Bundy had never killed those 56 victims, but did everything else to them? I can't see how it would make a difference if those women didn't actually die. The death penalty is not equal in all cases, so it is left to the Judge and the jury.

CHAIRMAN CRIPPEN. What is the Association of Churches' position on partial-birth abortion? **Betty Waddell.** We have no position on that.

Closing by Sponsor: **SENATOR GLASER.** We need to read the definition of serious bodily injury; 45-2-101, MCA, 64(f) or (a), creates "a substantial risk of death."

Recently, in Yellowstone County, a young woman gave a ride to a man who then raped her and tried to kill her. She survived, but is disfigured by knife wounds. Another man broke and older woman's leg, beat her and her husband, and then took sexual advantage of her husband.

{Tape: 1; Side: B; Approx. Time Count: #27; Comments: 11:11 a.m..}

Additionally, a woman rented a room in her home to a man who turned out to be a sexual pervert and who took advantage of her

son. Her son is now impaired. I talked with him, and he has difficulty speaking with anyone.

I believe these crimes are more serious than murdering the victim. My granddaughters, both Catholic and Protestant, and are with me on this. A lobbyist told me his point of view was not being expressed here by the Montana Association of Churches. In the vigilante days, Mr. Plummer never robbed another coach or killed another person.

CHAIRMAN CRIPPEN. There is a bill to amend the section in questions, so we will check its status prior to executive action.

HEARING ON SB 202

Sponsor: SENATOR BILL GLASER, SD 8, Billings

Proponents: REPRESENTATIVE BOB CLARK, HD 8, Ryegate

Opponents: Betty Waddell, Montana Association of Churches
Sharon Hoff, Montana Catholic Conference
Edward F. Sheehy, Jr., American Civil Liberties Union
(ACLU)
Pastor Ken Moore, First Christian Church, Helena
Scott Crichton, Executive Director, ACLU of Montana

{Tape: 1; Side: B; Approx. Time Count: #31; Comments: 11:14 a.m..}

Opening Statement by Sponsor: SENATOR BILL GLASER, SD 8, Billings. A more heinous crime is marketing drugs. Many years ago, I lived in Long Beach, California, where there were terribly high levels of crime from drugs sales and use.

You have the Fiscal Note before you. Six offenders were convicted of criminal sale of dangerous drugs in 1996, but average time in prison is one year.

This legislation is being presented to deal with the kingpins at the state level. The death penalty exists at the federal level now. Imprisonment isn't going to solve this problem.

Proponents' Testimony: REPRESENTATIVE BOB CLARK, HD 8, Ryegate. As a Highway Patrol Officer in Montana for 24-plus years, I saw the escalation of drugs moving through Montana. We are trying to stop the pipeline coming out of the South, the Southwest, and the West Coast, by showing drug traffickers we Montanans won't stand for this. If this bill passes legislative and constitutional muster, I believe it would do something toward payment of the ultimate price for this crime.

Opponents' Testimony: Edward F. Sheehy, Jr., American Civil Liberties Union (ACLU). I believe this bill would mean cruel and unusual punishment. No one yet has been charged under the

federal statute, so we don't have a case yet for drug kingpins. This bill includes those selling drugs and being convicted a second time, and not just solely drug kingpins. The mandatory minimum under federal court system sentencing, doesn't require longer than one years; time served is based on the amount sold. If the Committee were to pass this bill, we would need to build more cells at Montana State Prison. There is not room for convicted drug sellers now. Especially in Kalispell, they're given probation from sentences.

I understand **SENATOR GLASER's** intent and purpose. There is an active drug pipeline from Yakima, Washington to Montana. The Highway Patrol in Superior has been actively working to apprehend these people. The state system is now reliant upon the federal system. The drug of choice in Montana is now methamphetamine, and includes a lot of truck drivers.

{Tape: 1; Side: B; Approx. Time Count: #43; Comments: 11:27 a.m..}

CHAIRMAN CRIPPEN addressed the visiting school children in the gallery and explained the nature of the bill being heard.

Betty Waddell, Montana Association of Churches. The Association unanimously opposes capital punishment.

Sharon Hoff, Montana Catholic Conference. We consistently support victims rights, but we can't support the death penalty for this particular crime.

Pastor Ken Moore, First Christian Church, Helena. I believe my prior testimony on SB 201 applies here, as well.

Questions From Committee Members and Responses: **SENATOR STEVE DOHERTY.** Your intent is to get the individual at the street level, and if they are convicted, you want to get those higher up in the organization? **SENATOR GLASER.** I want to allow mitigating circumstances for cause to back off from the death penalty. This is a judicial decision, and they should have a tool to do this.

SENATOR DOHERTY. So, if someone is caught twice at the state level, this bill could apply to them, as well? **SENATOR GLASER.** Under certain circumstances, yes.

SENATOR DOHERTY. Is the death penalty only available when distribution of drugs results in a death? Is my understanding correct? **Edward Sheehy.** I believe so. It applies to drug kingpins or criminal entrepreneurs where someone dies as a result of drug sales.

SENATOR DOHERTY. Could anyone in that chain of dealing be charged, and could the judge impose a capital sentence. **Edward Sheehy.** No one in Montana has been charged in that fashion. It would depend on the case. If the seller were in a prison, and

sold to a prisoner who died as a result of use, that seller could receive the death sentence.

SENATOR DOHERTY. If a customer becomes a victim and dies, do we need to revise Montana statute to charge the dealer with a capital offense? **Edward Sheehy.** I would have to look at the Aggravating Circumstances statute and the Montana Criminal Enterprise statute.

SENATOR DOHERTY. The Fiscal Note is not very accurate. Can you give an estimate of the cost of a case in the capital area.


Edward Sheehy. The Attorney General's Office has never calculated the costs they incur. A case I had cost \$50,000 for a four-day trial, although some death penalty advocates do cases pro bono.

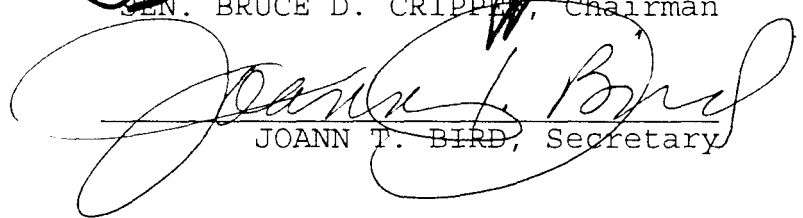
CHAIRMAN CRIPPEN. There appears to be some confusion concerning the number of convictions. **SENATOR GLASER.** Two times and first offense are not necessary in Montana. I will see John MacMaster about the language on page 1, line 16, subsection (3).

Closing by Sponsor: **SENATOR GLASER.** I have been in Yellowstone County a long time, and am a substantial taxpayer there, but at what cost is safety to society. My granddaughter is a student in Powell, Wyoming. She was at a party where a young man who dealt drugs raped a girl there, then killed her, but was able to plea-bargain for life in prison. We need a tool to clean up Montana, so it's safe again. I believe this bill is it.

ADJOURNMENT

Adjournment: 11:45 a.m.


SEN. BRUCE D. CRIPPE, Chairman


JOANN T. BIRD, Secretary

BDC/JTB