

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on February 14, 1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman Bruce Crippen, Vice Chairman Al Bishop, Senators Tom Beck, Bob Brown, John Harp, Mike Halligan, Loren Jenkins, Joe Mazurek, R. J. Pinsoneault and Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: There were none.

HEARING ON SENATE BILL 385

Presentation and Opening Statement by Sponsor: Senator Harp opened the hearing. He said the bill was to put Montana statute in compliance with the federal act and make Montana a lead agency in qualifying for the federal superfund. The federal government has recognized the dangers of hazardous waste and established a fund to help in the cleanup of the sites. The EPA has given \$8 million to the state to use for remedial activities at a few state sites, of which \$7 million went to in-state contractors to the present time. If Montana doesn't start to take control of this act, it will never get access to the larger share of superfund money, he said. The EPA has requirements the state must meet. Montana has the ability to save time and money while cleaning up the sites. Both public and private sector can benefit, he told the committee. Mining areas need astronomical cleanup and the cost can be lower if Montana qualifies. He said that over 140 sites that need cleanup have been identified. Montana is not getting the job done because direction has not been provided. The bill will expand existing authority -- information gathering authority, administrative order authority. It also establishes a standard of review, protects contractors involved i.e. liability.

It allows for penalties, recovery of costs incurred by the state and other mechanisms, he told the committee.

List of Testifying Proponents and What Group they Represent:

Representative Dave Brown, Butte
John Fitzpatrick, Pegasus Gold
Tom Mayer, Attorney General's Office
Howard Guy, Flathead County Commissioner
Chris Kauffman, E. I. C.
Doug Parker, Hydrometrics
Don Peoples, Chief Executive, Butte-Silver Bow
Gordon Huddleston, Multi-Tech Service Division at MSC
Jane Ellis, Montana Audubon
Bob Dozier, Northern Plains Resource Council
Leo Berry, Burlington Northern
Stan Bradshaw, Trout Unlimited
Bob Lane, Legal Counsel for Fish, Wildlife and Parks
Kim Wilson, Montana Chapter of the Sierra Club

List of Testifying Opponents and What Group They Represent:

None

Neutral Comments: Allyn Joslin for Ward Shanahan (ARCO)

Testimony: Representative Dave Brown of Butte testified as co-sponsor. Basically, this bill provides Montana with authority similar to federal EPA authority, so that Montana can stand on its own two feet in cleanup of the superfund area, he said. He felt the bill was critical for Montana industry, rather than using the federal EPA connection. Federal employees said that 8 years of cleanup in the Gold Creek area near Missoula and \$22 million are just the beginning in expenditure in that site. Montana is not going to be able to carry that kind of burden, he said, but can have the tools to get people to clean up the sites through this bill, he commented. We have a lot better working relationship at the state level, he said, than having the EPA do the job. There are many sites needing cleanup and the state needs the tools provided by the bill.

John Fitzpatrick said that, in the mining business, it was very difficult to avoid the superfund issue at some point. Even companies that endeavor to operate within the guidelines in existence today, encounter superfund if they go out of state or acquire properties, he said. He felt the bill would help industry and the state work together to solve issues relating to these kind of sites. He asked that he be given time to consult other people in the corporation

before taking action on the bill. He supported the concept of the bill.

Tom Mayer said he was assigned to the department of Health. He distributed material and said the department had been asked by EPA to introduce the bill. (See Exhibit 1.) He said their ability to participate has been limited by the inadequacy of authorities. They have been in dialogue with EPA constantly. The bill will solve the problems brought up by EPA and bring the state to parity with the majority of states in the country. Thirty-eight other states have some sort of superfund law, he stated. The reason for the bill was to allow Montana to take advantage of the federal funds available. When EPA cleans up the sites, all of the money goes to out-of-state contractors. EPA allows states to take the authority and clean up their own sites. When that occurs, it is quicker and cheaper than federal cleanup. The department felt that they could have done a lot better with the \$20 million spent at Gold Creek without any complete cleanup in the state.

Howard Guy said there was an 8-foot fence adjoining his property placed there by the EPA last year. The fence is in an area where his children played for years when it was not known that any hazardous waste problem existed. He asked for support of the bill.

Chris Kauffman appeared as a proponent. (See Exhibit 2.)

Doug Parker supported the bill for the reasons previously reiterated.

Don Peoples said the bill recognizes the state's obligation to assure that its citizens are not subjected to deleterious substances. He presented written testimony to the committee. (See Exhibit 3.)

Gordon Huddleston said his firm was a technical consulting firm in Butte, doing work for state and federal agencies. He said they have 180 full-time employees and bring over \$10 million of outside revenue to the state's economy. He supported the bill because it provides a way for the state to protect its own future. It also provides utilization of resources and it provides direct opportunities for business growth in the state. He said that in the next 10 years the largest expenditure in the state of federal dollars is going to be in superfund sites, particularly in Clark Fork Basin. The bill is in the best interest of the general public and in the economy of the state, he said.

Janet Ellis said that wetlands near Flathead Lake had become contaminated by a Burlington Northern wood treating plant, as well as in other places. She urged support of the bill, saying state control would be better than federal control.

Bob Dozier appeared in support of the bill.

Leo Berry testified saying it was probably the most important bill he had seen introduced this session. It is not a simple bill and needs more review. He said he supported 95% of the bill but would like to submit some technical amendments to the bill.

Stan Bradshaw appeared to support the bill.

Bob Lane testified, saying his department had been appointed one of the trustees for the superfund. He said the Clark Fork would have been one of the state's best fisheries had it not been contaminated by mining operations. He said the public will be better represented if the bill was passed.

Kim Wilson felt there was a compelling need for Montana to address these sites and felt the bill would help.

Allyn Joslin presented Ward Shanahan's comments for ARCO, neither in support nor opposition to the bill. They contained suggested amendments, he said. (See Exhibit 4.)

Questions From Committee Members: Senator Yellowtail asked about the liability. Senator Harp said he didn't want the liability to be prohibitive to contractors, to the point of discouraging them from bidding on cleanup jobs. There would be an elimination of liability in a different portion of the bill, so that when persons occupy the land at a later date it would not be all inclusive. It was an attempt to be fair to contractors and to people presently holding the land.

An unidentified person came to the microphone to respond to the question for Senator Harp. He said that persons responsible for the contamination can be forced to pay for some of the cleanup. The state is allowed to pass on some of the cost to the responsible parties, rather than onto the taxpayers. The joint and several liability law was originally drafted to spare the taxpayers of the country. Whoever the department of health can find that was responsible for disposal of waste at a particular site can be billed, he said.

Senator Pinsoneault asked if the sites had been prioritized. The man said they had been prioritized into three groups -- high, middle and low priority.

Senator Beck asked if the laws passed last session would still apply in these circumstances and the answer was yes.

Closing by Sponsor: Senator Harp said that negotiations had been made between the EPA and the vice president of Champion International. That company had had good experiences with the EPA and had originally planned to testify, according to Senator Harp. He closed the hearing.

HEARING ON SENATE BILL 391

Presentation and Opening Statement by Sponsor: Senator Al Bishop of Billings, District 46, opened the hearing on the bill. He told the committee that an interim committee had met several times to come up with prison corrections problems and that this bill was one of the recommendations brought forth by the committee. The bill would provide staggered terms for board of pardons members.

List of Testifying Proponents and What Group they Represent:

Dave Fuller, Chairman of the Governor's Criminal Justice and Advisor Commission.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Dave Fuller said the commission had come up with 12 recommendations, this being one. He urged support of the bill.

Questions From Committee Members: None.

Closing by Sponsor: Senator Bishop closed the hearing.

DISPOSITION OF SENATE BILL 391

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Pineseault MOVED that
Senate Bill 391 DO PASS. The MOTION CARRIED
UNANIMOUSLY.

HEARING ON SENATE BILL 369

Presentation and Opening Statement by Sponsor: Senator Bob Brown of Whitefish, District 2, opened the hearing. He said the bill simply repealed calcutta pools. He said that, when gambling was being considered during the last session the county attorneys felt that there was no need to repeal the calcutta pools. But in the last two years, the rules had been bent allowing other forms of gambling to expand considerably. i.e. bingo, keno and poker machines. He felt that illegal forms of gambling had resulted from the calcutta pool remaining in place.

List of Testifying Proponents and What Group they Represent:

Rob Smith, Assistant Attorney General for the
Department of Commerce
Jim Durkin, Gambling Industry Association
Tex Pate, Montana Auctioneers Association
Mignon Waterman, Association of Churches
Carol Mosher, Montana Cattlewomen
Lorna Frank, Farm Bureau

List of Testifying Opponents and What Group They Represent:

Steve Mandeville, himself

Testimony:

Rob Smith said the affect of the legislation passed regarding calcutta pools last session was quite mischievous. He said that tavern and casino owners had conducted booking operations calling them pools for pro and college football games. He distributed handouts to the

committee regarding the illegal use of the calcutta law. (Exhibits 5 and 6) He said his department was never comfortable with that statute remaining the way it was, as it allowed "stretching" of the law. He said they were not against traditional calcuttas that take place at fairs or during golf tournaments. But, he said, the gambling industry had felt free to use this law to expand. He said they also had an amendment they would like to propose.

Jim Durkin said he hoped the bill would be amended to allow the golfers to continue using the calcuttas, as well as the fairs. He said that some county attorneys might stop golfers from using the calcutta.

Tex Pate said it was the consensus of the auctioneers association that they would like to keep the calcutta pools as they have been in the past. He said he would like to see the illegal use stopped, he said, but did not want the calcutta use stopped entirely.

Mignon Waterman said the legislation previously passed was an example of legislation hastily drawn up without thorough study.

Carol Mosher said her group offered low-key support of the bill as they have used the calcutta for their chief fundraiser during the last year. She hoped the law would be clarified so that they could continue to use the calcutta.

Lorna Frank said that many organizations use the calcutta to raise money, including trap-shooting organizations. She agreed that the gambling industry should not be involved in calcuttas.

Steve Mandeville said he was simply asking that the money raising by charitable organizations through the use of calcuttas be allowed to continue. He urged the committee to take appropriate action to insure that use.

Questions From Committee Members: Senator Jenkins asked if Rob Smith had amendments he would like to propose and Rob answered yes.

Senator Jenkins asked Senator Brown if he would be in agreement with the amendments. Senator Brown said he hadn't seen them, but said the bill would repeal the law enacted during the last session.

Senator Beck said the intent of the original bill was for allowing the charitable fund-raising to continue. He said

he was disgusted that the gambling industry had taken advantage of the law.

Senator Brown said the amendments would have to be carefully worded or the gambling industry would continue to take advantage of the law for expansion.

Senator Crippen asked what would happen if one county attorney prosecuted charitable calcuttas and another overlooked them. Rob Smith said the bill would put the law back to where it was before and that charitable calcuttas were allowed at that time.

Closing by Sponsor: Senator Brown closed.

EXECUTIVE SESSION

SENATE BILL 266

Amendments and Votes: Senator Harp MOVED to amend Senate Bill 266 including the language "knowingly sell" where appropriate, insert a new section 4 regarding vending machines, provide a \$25 fine or public service for use or possession, and provide a \$50 fine for each offense of selling to a minor. The MOTION CARRIED UNANIMOUSLY.

Recommendation and Votes: Senator Harp MOVED that Senate Bill 266 DO PASS AS AMENDED. The MOTION CARRIED by a vote of 7 to 1 with Senator Jenkins voting NO.

SENATE BILL 377

Discussion: Senator Crippen thought there was protection in the law for the "innocent" spouse. If she were in fear of her life, she probably wouldn't be considered guilty of helping sell drugs, he said.

Senator Yellowtail said he was concerned about the penalty. He felt seizing a car if it contained marijuana was a heavy penalty. He felt there should be a 60 gram limit, rather than a 250 gram limit. He also had problems with the use of the money obtained when the seized property was sold. He asked, if a person was raising money on a quarter of an acre, should the whole ranch be taken?

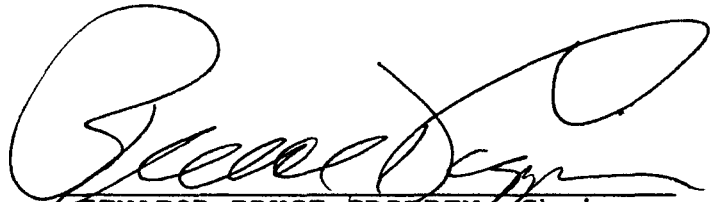
Senator Pinsonneault said he would have sympathy for that view if drug use were on the decline, but that was not the case, he said. Being able to seize items is one way to handle the problem, he felt.

Because of unresolved questions with the bill, it was decided to postpone action on the bill until a further meeting.

Recommendation and Vote: Senator Harp MOVED that Senate Bill 377 DO PASS. After the discussion, he WITHDREW his motion.

ADJOURNMENT

Adjournment At: 11:45 a.m.



SENATOR BRUCE CRIPPEN, Chairman

BDC/rj

minrj.214

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-14-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		<i>left</i>
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		<i>left.</i>
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

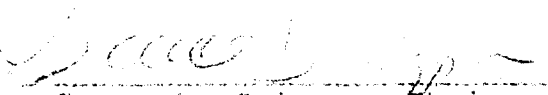
SENATE STANDING COMMITTEE REPORT

February 14, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 391 (first reading copy -- white), respectfully report that SB 391 do pass.

DO PASS

Signed: 

Bruce D. Crippen, Chairman

SUB
2/14
1:53 PM

SENATE STANDING COMMITTEE REPORT

page 1 of 7
February 14, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 266 (second reading copy -- yellow), respectfully report that SB 266 be amended and as so amended do pass:

1. Title, line 6.
Following: "PROHIBIT"
Strike: "THE"
Insert: "KNOWINGLY"

2. Page 1, line 15.
Following: "2"
Strike: "and 3"
Insert: "through 4"

3. Page 1, line 21.
Following: "to"
Insert: "knowingly"

4. Page 2, line 7.
Following: line 6
Insert: "NEW SECTION. Section 4. Vending machines. (1) All vending machines dispensing tobacco products must have affixed, in plain sight, a notice stating that it is illegal for persons under 18 to purchase or possess tobacco products.
(2) Vending machines dispensing tobacco products that do not comply with subsection (1) are in violation of [section 2], and owners of such machines are in violation of [section 2] and are subject to penalty under [section 5]."
Renumber: subsequent section

5. Page 2, line 9.
Following: line 8
Strike: line 9 through "45-5-624(2)"
Insert: "a fine of \$25 or a requirement of public service as may be determined by the youth court."

6. Page 2, line 11.
Strike: "section"
Insert: "sections"
Following: "2"
Strike: "or 3"
Insert: "through 4"

7. Page 2, lines 11 through 12.
Following: "to" on line 11
Strike: remainder of line 11 through "40-19-212" on line 12
Insert: "a fine of \$50 for each separate offense"

AND AS AMENDED DO PASS

Signed: _____
Bruce D. Crippen, Chairman

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

SENATE JUDICIARY

EXHIBIT NO. 1

DATE 2-14-89

BILL NO. SB 385



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

January 13, 1989

DHES TESTIMONY ON LC 854 (SB 385)
DHES SPONSORED MINI-SUPERFUND BILL

Montanans have in common the goals of economic development and maintaining Montana's quality of life. Passage of the Montana Environmental Response Compensation and Liability Act (MERCLA) supports these goals. Hazardous materials contamination is now a widely recognized problem that threatens our quality of life, the public's health, and our future viability. Tremendous amounts of public and private resources are being expended on the problem nationwide. With greater state involvement, an increased portion of the effort, including jobs and expenditures (both public and private), will be in Montana. Should the state prefer to minimize its role in relation to the federal government, most of the resources will remain in Denver and Washington, D.C. Jobs will be exported and local control over decisions intimately affecting Montana's future will be lost.

The Montana Environmental Response, Compensation and Liability Act (MERCLA) is a comprehensive amendment of existing hazardous waste response authority. These amendments are necessary for several reasons. The first reason is to make the state and federal laws mutually supportive and allow the state the ability to positively influence cleanup. While federal law has continued to evolve in response to the problem, the state's law has not. Federal law envisions a state-federal partnership. These amendments are necessary to fulfill this role.

The second reason is to satisfy requirements the Environmental Protection Agency (EPA) has put on the state. EPA has asked the state to develop authorities equivalent to Superfund so that the state can direct cleanup at some of the most contaminated sites in the state.

The final reason is to keep state law current with the development of hazardous waste response laws in other states. Thirty-eight states now have state versions of the federal Superfund law.

These amendments are crucial to bringing federal money into the state for hazardous waste cleanups. Over the past five years, the EPA has given over \$8 million to the state to use for remedial activities at a few state sites. Of this sum, over \$7 million has gone to in-state contractors. These contractors have developed technical expertise that is marketable across the country. During this time, the EPA has spent about twice this much on other Montana sites with little of that amount going to in-state contractors. These amendments will allow the state to obtain a greater portion of these funds.

The state also has the ability to save money and time. While most state and federal costs are initially supported by the Superfund, these costs are recovered from private responsible parties. It is in both the public's and private business's interest to get the most for their dollar. State personnel and overhead costs are considerably less than those of the EPA. State and regional contractors costs also tend to be less than the national average. Furthermore, the state's decision-making process is less complex than the EPA decision-making process. Decisions can be made more rapidly, resulting in both a savings of time and money. Finally, the state can de-escalate the tensions in the process. Often the EPA and responsible parties find themselves deadlocked during negotiation because of a fear on the responsible parties' part of setting national legal precedent. Working with the state under state law should reduce this concern resulting in more cleanup and less legal argument.

Finally, these authorities would enable the state to respond to hazardous waste problems at over 140 sites in Montana. Currently, the state's ability to remediate these smaller sites is restricted by existing limitations in the law. The proposed amendments will remedy these problems. The threat of contamination within a community is a threat that the public wants cleaned up quickly to avoid endangering public health or welfare.

The amendments will expand the authorities provided to the state in the following ways:

- Information gathering authorities are created. The state cannot respond to the problems at a site unless it knows who was doing what, and where.
- Administrative order authority is created. Presently, the state can request a party to undertake some given action, but if the party refuses, the only option the state has is to do it itself. This results in a drain on scarce resources of the state.
- Prohibits parties tying the state up in court while nothing is done. A party will always have its day in court, but not until they have responded to an immediate threat to public health or welfare.
- Establishing a standard of review for a reviewing court. Because much of what happens in cleaning up a leaking hazardous waste site involves activities on the frontier of science, a reviewing court need only review the paper record created by the state and the affected party. This saves judicial resources while still presenting the whole case to a judge.
- Protection is created for all contractors involved in hazardous waste response activities. The threat of liability for undertaking remedial actions is a real and serious threat to in-state contractors. This amendment provides protection for these contractors.
- Enables the department to assess administrative penalties. This is crucial in being able to compel parties to undertake activities

requested by the state in a timely manner. By forcing the state to go to court to compel performance, substantial amounts of time are consumed without any cleanup occurring. The result is that public health and welfare are jeopardized. When questions of public health are involved, it is crucial to act quickly.

- Creates additional defenses for private industry in an action to recover costs incurred by the state.
- Creates an innocent landowner defense which protects anyone who acquires a parcel of land which turns out to be contaminated.
- Provides a mechanism to protect parties who cooperate with the state. The state will have the ability to bar any later actions by any other entity against a party that settles its liability.
- Condemnation authority is created for property that is seriously contaminated with hazardous waste. This allows the state to ensure that a landowner with contaminated property gets a fair price for his property. The costs of the condemnation may be recovered from a party responsible for the contamination.
- Cleanup standards are established which will ensure that all cleanups meet some minimum requirements.
- Requires that the state attempt to recover all costs it incurs in cleaning up a site, if a responsible party is available.
- Ensures that the public is fully involved in any decisions regarding a cleanup.
- Allows the department to oversee a cleanup performed by a responsible party.

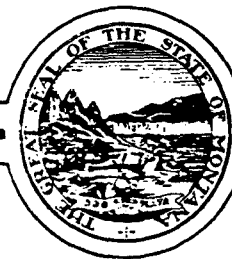
PARALLEL PROVISIONS OF MONTANA COMPREHENSIVE
 RESPONSIBILITY ACT (CECRA) BILL (LC 854)
 TO FEDERAL SUPERFUND LAW*

<u>Mini Superfund Bill Section</u>	<u>Subject Area</u>	<u>Parallel Federal Superfund Section 42 USC 9601 et seq.</u>
SECTION 2 (Amends 75-10-702)	Definitions	CERCLA 101
SECTION 3 (Amends 75-10-704)	Generally resembles the federal Hazardous Substance Response Trust Fund (Superfund). State Fund is not fee- funded and currently has a zero balance	CERCLA 221
SECTION 4 (New) [Expands existing authority in 75-10-711(2)]	Investigations; access to information; associated orders	CERCLA 104(e)
SECTION 5 (New) (Expands existing authority in 75-10-715)	Administrative orders to take remedial action; civil penalties	CERCLA 106, 113
SECTION 6 (Slightly amends existing Section 75-10-712)	Emergency Response	CERCLA 106
SECTION 7 (New)	Limits liability of remedial action contractors	CERCLA 119
SECTION 8 (New)	Administrative penalties (Maximum federal penalties 25,000-75,000 per day; proposed for State - 1,000/day)	CERCLA 109

*CERCLA: Comprehensive Environmental Response Compensation and Liability Act of 1980 (Was Amended in 1986 by SARA - Superfund Amendment and Reauthorization Act of 1986)

SECTION 9 (Amends existing Section 75-10-715)	Responsibility and Liability (includes lengthy innocent landowner defense)	
SECTION 10 (New)	Settlements	CERCLA 122(a)
SECTION 11 (New)	Condemnation - State lien re: contaminated property	CERCLA 107(e)
SECTION 12 (New)	Degree of cleanup; Permit exception	CERCLA 121
SECTION 13 (New) [Clarifies existing authority in 75-10-715(3)]	Action to recover State's response costs	CERCLA 107,113
SECTION 14 (New)	Public notice - comment	CERCLA 122(i)
SECTION 15 (New)	Cleanup Agreements	CERCLA 122(a)
SECTION 16 (New)	Contribution and lia- bility; apportionment among responsible parties	CERCLA 113

**DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES**



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

Montana
Non-NPL Sites

Site	City	County
Apex Mill - Bannack State Park	Bannack	Beaverhead (001)
Big Hole Post Plant	Dillon	Beaverhead (001)
Ermont Mill - Mill Tailings	Argenta	Beaverhead (001)
Hirschy Corrals	Jackson	Beaverhead (001)
Thorium City Waste Dump	Grant	Beaverhead (001)
Tungsten Mill - Mill Tailings	Glen	Beaverhead (001)
Diamond Asphalt Co.	Chinook	Blaine (005)
Kenison Pole Plant	Townsend	Broadwater (007)
Joliet Weed District	Joliet	Carbon (009)
Burlington Northern Derailment Site	East Bridger	Carbon (009)
Anaconda Minerals Co., Great Falls Ref.	Black Eagle	Cascade (013)
Falls Chem Inc.	Great Falls	Cascade (013)
Great Falls Ref - Phillips Petroleum	Black Eagle	Cascade (013)
Great Falls City Landfill (Wiremill Road)	Great Falls	Cascade (013)
Great Falls City Landfill (25th Ave)	Great Falls	Cascade (013)
Malmstrom Air Force Base	Great Falls	Cascade (013)
Western By-Products	Great Falls	Cascade (013)
Geraldine Airport	Geraldine	Chouteau (013)
Ft. Keogh Livestock & Research Lab	Miles City	Custer (017)
Miles City Oil Refinery	Miles City	Custer (017)
Miles City Rail Yard	Miles City	Custer (017)
Miles City Oil Refinery	Miles City	Custer (017)
Miles City Livestock Center	Miles City	Custer (017)
Richey Airport	Richey	Dawson (021)
Anaconda Company Smelter	Anaconda	Deer Lodge (023)
Montana Radiation	Anaconda	Deer Lodge (023)
Arro Oil Refinery	Lewistown	Fergus (027)
Berg Post and Pole	Lewistown	Fergus (027)
Central Post & Treating Plant	Lewistown	Fergus (027)
Charles M. Russell Refuge	Turkey Joe Landing	Fergus (027)
Continental Oil Co., Lewistown Ref.	Lewistown	Fergus (027)
Anaconda Aluminum Company	Columbia Falls	Flathead (029)
Beaver Wood Products	Columbia Falls	Flathead (029)
Creston Post and Pole Yard	Kalispell	Flathead (029)
Kalispell Pole & Timber Co. Inc.	Kalispell	Flathead (029)
Kalispell Landfill (Cemetery Road)	Kalispell	Flathead (029)
Kalispell Landfill (Willow Glen Road)	Kalispell	Flathead (029)
Larry's Post and Treating Co.	Columbia Falls	Flathead (029)
North American Oil Refinery	Kalispell	Flathead (029)
Plum Creek Evergreen	Kalispell	Flathead (029)
Reliance Refining Co.	Kalispell	Flathead (029)
Turner Post Treatment Co	Whitefish	Flathead (029)

Montana
Non-NPL Sites

Site	City	County
Yale Oil Corp.	Kalispell	Flathead (029)
Asbestos Mine (Karst)	Bozeman	Gallatin (031)
Bozeman Old City Landfill	Bozeman	Gallatin (031)
Development Technology	Bozeman	Gallatin (031)
Ideal Basic Ind, Plant Site Area	Three Forks	Gallatin (031)
Mercer Post Plant	Bozeman	Gallatin (031)
Summit-Dana Ltd.	Bozeman	Gallatin (031)
Jet Fuel Refinery	Mosby	Garfield (033)
Blackfeet Post and Pole	Browning	Glacier (035)
Carter Oil Ref	Cutbank	Glacier (035)
Chevron USA Inc. Browning Bulk Plant	Browning	Glacier (035)
Poisoned Oats Dspl	Browning	Glacier (035)
Union Oil - Cutbank Ref	Cutbank	Glacier (035)
Granite Timber	Philipsburg	Granite (039)
Philipsburg Mining Area	Philipsburg	Granite (039)
Sluice Gulch Leaking Mine Adit	Philipsburg	Granite (039)
Burlington Northern Racetrack Pond	Havre	Hill (041)
Burlington Northern Krezelak Pond	Havre	Hill (041)
Chippewa Pole	Box Elder	Hill (041)
Havre Refinery	Havre	Hill (041)
Basin Mining Site	Basin	Jefferson (043)
Corbin Flats	Jefferson City	Jefferson (043)
Fohner Meadow	Jefferson City	Jefferson (043)
Jefferson County Weed District	Clancy	Jefferson (043)
High Ore Mine	Basin	Jefferson (043)
Kaiser Cement	Montana City	Jefferson (043)
Wickes Smelter	Wickes	Jefferson (043)
Lake County Weed District	Ronan	Lake (047)
Golden Messenger Mine	York	Lewis and Clark (049)
Goldsil Mining Company	Marysville	Lewis and Clark (043)
Helena Landfill	Helena	Lewis and Clark (049)
MT Dept. of Highways Shop	Helena	Lewis and Clark (049)
Montana State Chem Lab Bureau	Helena	Lewis and Clark (049)
Mother Lode Gold & Silver Ltd.	East Helena	Lewis and Clark (049)
Safety Kleen	Helena	Lewis and Clark (049)
Scratchgravel Landfill	Helena	Lewis and Clark (049)
Asarco Inc. Troy Unit	Troy	Lincoln (053)
Libby Groundwater Contamination	Libby	Lincoln (053)
St. Regis Paper	Libby	Lincoln (053)
Valley Garden Vat	Ennis	Madison (057)
Marble Creek Post Yard	Superior	Mineral (061)
Milwaukee Road -- Haugen	Haugen	Mineral (079)
Milwaukee Road Right-of-Way	St. Regis	Mineral (079)
Borden Inc.	Missoula	Missoula (063)
Burlington Northern Derailment Site	Missoula	Missoula (063)
Burlington Northern Derailment Site	Evaro	Missoula (063)
Hart Oil	Missoula	Missoula (063)
J & N Post and Pole	Evaro	Missoula (063)
Milltown Reservoir Sediments	Milltown	Missoula (063)
Missoula Landfill	Missoula	Missoula (063)

Montana
Non-NPL Sites

Site	City	County
Real Log Homes Mfg. Site	Missoula	Missoula (063)
Roundup Landfill	Roundup	Mussellshell (065)
Jardine Arsenic Tailings	Jardine	Park (067)
Mclaren Mill Tailings	Cooke City	Park (067)
Mission Wye	Livingston	Park (067)
Strong's Post Yard	Livingston	Park (067)
Weowna Oil Refinery	Winnett	Petroleum (069)
Malta Airport	Malta	Phillips (071)
Conrad Refining Co.	Conrad	Pondera (073)
Midwest Refining Co.	Conrad	Pondera (073)
Burlington Northern Derailment Site	Garrison	Powell (077)
Milwaukee Roundhouse	Deer Lodge	Powell (077)
Rocky Mountain Phosphate	Garrison	Powell (077)
Bass Creek Post & Pole Plant	Stevensville	Ravalli (061)
Bitterroot Valley Sanitary Landfill	Victor	Ravalli (081)
S & W Sawmill, Inc.	Darby	Ravalli (081)
McCulloch Purchase Station	Fairview	Richland (083)
Burlington Northern Derailment Site	Bainville	Roosevelt (085)
Tule Creek Gas Plant/Crystal Oil	Poplar	Roosevelt (085)
Wolf Point Ref. (Kenco Refining)	Wolf Point	Roosevelt (085)
Bonneville Power Administration	Hot Springs	Sanders (089)
Paradise Tie Treatment	Paradise	Sanders (089)
Thompson Falls Reservoir	Thompson Falls	Sanders (089)
US Antimony Corp	Thompson Falls	Sanders (089)
Laurel Oil and Refining Co.	Butte	Silver Bow (093)
Roundup Refining Co.	Butte	Silver Bow (093)
Silver Bow Refinery	Butte	Silver Bow (093)
Stauffer Chem Co.	Ramsay	Silver Bow (093)
Big West Oil	Kevin	Toole (101)
Texaco - Sunburst Works	Sunburst	Toole (101)
Treasure State Refining Co.	Shelby	Toole (101)
Big Horn Oil & Refining Co.	Billings	Yellowstone (111)
Billings Sanitary Landfill	Billings	Yellowstone (111)
Burlington Northern Inc. Prop.	Billings	Yellowstone (111)
Coffman Lumber & Treatment Co., Inc.	Billings	Yellowstone (111)
Conoco Landfarm	Billings	Yellowstone (111)
Conoco Billings Ref	Billings	Yellowstone (111)
Empire Sand and Gravel	Billings	Yellowstone (111)
Exxon Ref - Old Flare Site	Billings	Yellowstone (111)
Farmers Union Central Exchange/Cenex	Laurel	Yellowstone (111)
General Electric Co.	Billings	Yellowstone (111)
Lohoff Gravel Pit	Billings	Yellowstone (111)
Montana Power Co. Frank Bird Plant	Billings	Yellowstone (111)
Montana Power Co. JE Corette Plant	Billings	Yellowstone (111)
Montana Sulphur and Chem	East of Billings	Yellowstone (111)
Prairie View Recreational Park	Billings	Yellowstone (111)
Russel Oil Co.	Billings	Yellowstone (111)
Scott Feed Lot	Billings	Yellowstone (111)
Union Tank Car Co.	Laurel	Yellowstone (111)
Yale Oil of South Dakota	Billings	Yellowstone (111)

SENATE JUDICIARY

EXHIBIT NO. 1109

DATE 2-14-89

BILL NO. SB 385

TOWN OF SUNBURST
BOX 245
SUNBURST, MONTANA 59482
937-2141

DEPT OF HEALTH & ENVIRONMENTAL SERVICES
SOLID & HAZARDOUS WASTE BUREAU
COGSWELL BUILDING
HELENA, MONTANA 59620

6/15/88

ATTN: CAROL FOX

DEAR CAROL,

THE COMMUNITY OF SUNBURST HAS WHAT WE FEEL TO BE A MAJOR PROBLEM THAT WE HOPE YOU WILL BECOME INTERESTED IN. RECENTLY I HAVE RECEIVED MANY COMPLAINTS FROM THE CITIZENS REGARDING THE OLD TEXACO REFINERY LEFT ABANDONED IN THE MIDDLE OF OUR TOWN.

THE CITIZENS OF THIS COMMUNITY FEEL THAT THE OLD REFINERY IS A TERRIBLE EYECORE FROM AN ERA GONE BY, BUT THIS IS NOT THE NATURE OF THE COMPLAINTS I HAVE BEEN RECEIVING. THE PEOPLE OF SUNBURST FEEL THAT THE OLD REFINERY POSES AN IMMEDIATE THREAT TO THEIR HEALTH AND TO THE HEALTH OF THEIR CHILDREN. THEY FEEL THAT THEY HAVE BEEN TREATED UNFAIRLY, LEFT WITH THE MESS FROM THIS UNSIGHTLY REFINERY. ALL OVER AMERICA AND AROUND THE WORLD, PEOPLE ARE DISCOVERING DAILY THAT THEIR HEALTH AND WELL BEING HAVE BEEN UNKNOWINGLY THREATENED BY SILENT AND DEADLY WASTES LEFT BEHIND BY CONGLOMERATES WHOSE NEEDS FOR THESE FACILITIES HAVE BECOME OBSOLETE.

WOULDN'T YOU PLEASE HEED THE CRIES OF THE CITIZENS OF OUR TINY BUT IMPORTANT COMMUNITY, AND TAKE AN INTEREST TODAY IN THE SOLVING OF THIS PROBLEM? THANKING YOU IN ADVANCE FOR YOUR HELP IN THIS IMPORTANT MATTER.

SINCERLY,

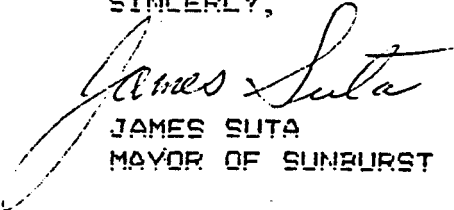

JAMES SUTA
MAYOR OF SUNBURST

EXHIBIT NO. 1 p. 10
DATE 2-14-89
BILL NO. SB 385

TOWN OF KEVIN

P. O. BOX ~~2~~ 137
KEVIN, MONTANA 59454
PHONE (406) 337-2141

May 24, 1988

Governor Ted Schwinden
Capitol Station
Helena, Montana 59620RE: Hazardous Waste Site
Big West Refinery
Kevin, Montana

Dear Governor Schwinden:

I am writing to you on behalf of the Kevin Town Council and the residents of the Town of Kevin.

We have been actively pursuing the clean up of an abandoned refinery site located within the corporate town limits of Kevin, Montana.

Several large dogs have become entrapped and died in the open sludge areas of this site. We are concerned that one of our children may be the next casualty of the site. The district sanitarian has also had a complaint filed with him concerning stock water contamination from the site.

Also, of great concern is FMHA and HUD mortgage insurance rejection because of the location of 90% of Kevin's homes in proximity to the hazardous waste site.

E.P.A. has the site listed and has studied the site. They have determined that the site is not eligible for "Superfund" designation because of only 208 persons being affected. They have released the site to the State of Montana.

We believe that the State Department of Health and Environmental Sciences-Solid and Hazardous Waste Division has determined who the responsible parties are in relation to the Kevin refinery site.

We are having a problem in understanding why it is taking so long for the State to take action when responsible parties have been determined.

page 2

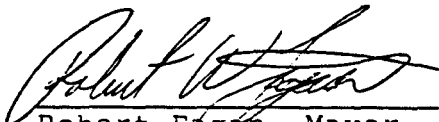
We are asking for your help in the following three areas.

1. Securing assistance for immediate fencing of the site to prevent access,
2. Requesting that appropriate state agencies quickly move ahead with a demand that the responsible parties clean up the site.
3. Requesting that HUD and FMHA remove their mortgage insurance restriction for the areas of Kevin that are not affected by the site.

Thank you for your assistance with this problem in our community.

Sincerely,

Town of Kevin


Robert Fagan, Mayor

RF:m

cc:Dr. L. Bonderud

SENATE JUDICIARY

EXHIBIT NO. 2

DATE 2-14-89

BILL NO. SB 385

TESTIMONY FOR SB 385

Mr. Chair, members of the Senate Judiciary Committee, for the record, my name is Chris Kaufmann and I represent the Montana Environmental Information Center and our members across the state.

We have a lot of big messes in Montana, and we know we're going to have to clean them up. These hazardous waste sites are now widely recognized as problems that affect our quality of life, public health, and future viability. The question is not whether we should clean them up--everybody already knows that. The question is, how much control are we as a state going to have in that cleanup.

I want to say clearly that this is not a railroad bill; it is not a Butte bill. We're talking here about 150 sites all across the state, and those are only the ones that have happened to come to our attention. The list is not the result of any investigation. There is one site in each of Chouteau and Lake counties; there are 3 in Powell county; 8 in Missoula County; 8 in Lewis and Clark County; 12 in Flathead County, and 19 in Yellowstone County. These sites include wood treatment plants, landfills, smelters and refineries, mines, industries. They are the result of leaking underground storage tanks, improper use of pesticides, and spills. The waste, tailings, slag, or residue contain such hazardous substances as PCP's, dioxin, cyanide, arsenic, lead, copper, mercury, gasoline, chlorinated solvents, sulfuric acid, asbestos, sulfur dioxide, ammonia--to name but a few. They contaminate our soils, our surface water and our groundwater. I don't want to eat and drink and breath this stuff.

We environmentalists have often been labeled as "bad for business". The bill you have before you is an example of a bill that's good for business and the environment. First, businesses do not want to locate in hazardous waste dumps. Montana already has a stigma of having more superfund sites than any of its neighbors. We don't need any more bad publicity. Second, the business of cleaning up Montana can bring lots of federal and corporate dollars into the state. There are a growing number of Montana companies with expertise in toxic cleanup. Let's keep cleanup dollars here in Montana, instead of giving EPA the power to charge 10 times as much to Montana sites and funnel the cleanup dollars to Denver companies.

We urge a do pass on SB 385.

Mr. Chairman and members of the Committee, for the record I am Don Peoples representing the Butte-Silver Bow Local Government. I rise in support of SB 385.

Mr. Chairman and members of the committee, the question here today is whether or not the State of Montana wants to be a serious player in assuring the environmental clean-up and protection of this state's environment. This bill (SB 385) recognizes the state's obligation to assure that its citizens are not subjected to hazardous or deleterious substances. For the first time in Montana's history, it puts teeth into a law that addresses the total environment.

Those of us who live in Butte-Silver Bow are well aware of the results of improper use of our environment. In Butte-Silver Bow, there are literally hundreds of examples, where individuals and companies, either knowingly or unknowingly, have violated the environment. Mine waste and tailings with heavy metal content, arsenic, lead, cadmium - ore scattered through the community. The health hazards associated with these heavy metals are well documented.

Surface water has been contaminated, and there is a distinct threat to the large underground aquifer as a result of the current mine flooding situation. We regard this latter situation as perhaps the most critical environmental issue of our life time.

As you know much of the Butte area is on the National Priority List of the Environmental Protection Agency. The area has been studied to an extent that goes beyond description. The fact of the matter, however, that little positive physical change

-2-

is occurring. The EPA process is incredibly complicated and extremely slow in achieving results. Delays are common, and the process of clean-up and remediation can be stopped by a series of procedures that appear to be built into the process. Frankly, Mr. Chairman and members of the Committee, we in Butte-Silver Bow are extremely frustrated by the process and lack of action.

We believe the Comprehensive Environmental Cleanup and Responsibility Act is the right thing for the State of Montana to do. This state has an obligation to its residents. It matters not if these people live in Butte, Livingston, or Ekalaka. This act defines the necessary procedures, and establish a plan of action for the Department of Health and Environmental Sciences (DHES) to deal with their responsibility to the citizens of Montana.

Some may claim it is anti-business and will give Montana a reputation of being against the development of industry and business. Nothing could be further from the truth. It is a common sense approach that assures protection of Montana's environment, and assures that this state will be a serious player in protecting the environment.

Mr. Chairman, members of the Committee, I urge your favorable response to this critical piece of legislation.

COMMENTS ON SB 385

To: Senate Judiciary Committee

From: Ward Shanahan, Lobbyist ARCO
301 First Bank Building
Helena, Montana 59624
Telephone 442-8560

Subject: Proposed Changes in SB 385 to Bring it in Line
with the Federal Superfund Act

General Comments

ARCO's interest is in seeing consistency between the State and Federal Superfund laws as they relate to the ability of the government and the PRPs to achieve expeditious settlements which lead to rapid cleanups. Any inconsistencies between State and Federal Superfund laws lead to confusion and disagreement as opposed to understanding and agreement and settlement.

Specific Comments

(References are to page and line number of Introduced Bill)

Pg. 3, Line 16 - This paragraph goes beyond Superfund and would lead to inconsistencies between the two laws.

Pg. 4, line 4 - The term managing activities at is very broad and lacks definition.

Pg. 4, line 23 - Crude oil is exempted under Federal Superfund.

Pg. 8, line 23 - Any duly authorized officer, employee . . . will make this statement consistent with Superfund.

Pg. 9, line 1 - The statement regarding information or documents is very broad and needs further definition.

Pg. 9, line 12 - The paragraph starting on this line goes beyond Federal Superfund.

Pg. 9, line 18 - "Otherwise enforcing the provisions of this part" is very broad and needs definition.

Pg. 10, line 12 - Any duly authorized officer, employee . . . makes this statement consistent with Superfund.

Pg. 15, line 3 - "A person who without sufficient cause violates . . . makes this statement consistent with Superfund.

Pg. 20, line 11 - "Otherwise responsible" needs definition.

Pg. 22, line 12 - Had any ownership authority, or control during the time of deposition and was not caused . . . makes this consistent with Superfund.

Pg. 29, line 5 - Criteria or limitations that address and are well suited to the site conditions needs definition.

Pg. 29, line 10 - (A) Use permanent to the maximum extent practical is more appropriate language.

Pg. 29, line 17 - Substitute shall for may.

Pg. 29, line 24 - The record referenced in this line needs further definition.

Pg. 31, lines 14 & 15 - A responsible party should have the right to request a public hearing.

Pg. 32, line 2 - Insert "shall negotiate and" between "department" and "in".

Pg. 33, line 10 - Substitute "or" for "and".

Pg. 34, line 23 - Delete section 21.

Respectfully,

Ward A Shanahan
Ward A. Shanahan *AS*

7149W

NAME: Doug Parker DATE: SB 385
2/14/89

ADDRESS: 2727 Airport Rd

PHONE: 406 443 4150

REPRESENTING WHOM? Hydrometries

APPEARING ON WHICH PROPOSAL: SB 385

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT NO. 5
DATE 2-14-89
BILL NO. SB 369

Priest

HELENA (AP) — 7 in the case of a for priest accused of entic boy into a homosexu...

says the case may still be alive if the boy agrees to submit to an evaluation by a defense psychologist.

But Marty Lambert, deputy county attorney for Gallatin County, said that without the boy's testimony, he will move to dismiss the charges against the Rev. Kevin Malee.

The comments came after the Montana Supreme Court upheld a judge's ruling that barred testimony

without the boy's testimony can be no prosecution.

The lower court decisively dismissed the case the prosecution had no said defense attorney Stev

Lambert said he may a preme Court to reconsider He also said the status co if the boy chooses to testif

But if the boy cannot Lambert said, he will file to dismiss charges against



Tribune Photo by Wayne Arns

Montana Calcutta football betting tickets shown here are legal, according to Cascade County Attorney Pat Paul.

Tavern owners warned of illegal gambling pool

Cascade County Attorney Pat Paul is warning local tavern and casino owners to be wary of an unidentified individual attempting to market an illegal gambling pool.

The game, called "Montana Calcutta Football Pool," is illegal under the state statute defining calcutta pools, Paul said. "Basically, this is a booking operation for pro and college football games which is illegal in the state of Montana."

The game was brought to Paul's attention by a bar owner who was approached about marketing the pool. Paul declined to identify the bar owner, but said the owner

rejected the man's offer.

The rules of the calcutta pool call for the "house to set the odds," Paul said, "and tells you what you will or will not win. This has nothing to do with a calcutta auction."

Paul said the illegal game had a minimum of \$5 per ticket, and players can bet as much as \$200 per card.

Paul said anyone caught playing the illegal pool will be prosecuted.

He asked bar owners and casino owners to call police if the man, or any person, approaches them with an offer to market the calcutta cards.

Redcrow sentence

MISSOULA (AP) — Convicted murderer Lucy Marie Redcrow was sentenced Thursday to 60 years in prison for the August 1987 stabbing death of Marie Ila Richie in a Missoula motel room.

District Judge Douglas Harkin pronounced the sentence after several hours of testimony from defense witnesses in the second day of a sentencing hearing.

The defense witnesses painted a dismal portrait of the 21-year-old Redcrow's childhood in Hot Springs.

"It was a very hard life they had there," said Evelyn Stevenson, an attorney for the Confederated Salish and Kootenai Tribes.

The witnesses told of beatings, rapes, an alcoholic mother, a sex-

ually abusive stepfather endless string of foster ho

It was noted that Red may have been miserable victim, 22-year-old Marie I no life at all. Richie was more than 30 times Aug and Redcrow and her Paul Regudon, carried th half-naked body to a nea in the Clark Fork River.

"It's (her childhood i planation for her behavior excuse for her behavior said before pronouncing se

Missoula Deputy Count Ed McLean asked for sentence. Chief Public Margaret Borg, Redcrow's recommended a 35-year se

On the re

Statistics

DEATHS

COX — Eldon Cox, 71, 1109 3rd Ave. NW.

KRESANEK — Richard F. Kresanek, 58, 716 53rd St. S.

MILLER — Corrine Miller, 53, 106 18th St. SW.

SUDEN — Kylie Suden, 3 months, 1908 8th Ave. S.

MARRIAGE-LICENSE APPLICATIONS

WIPF-KLEINSASSER — Edward J. Wipf, 26, Sun River, and Teresa J. Kleinsasser, 25, Ulm.

Obituaries

tional Bureau of Standards.

Jordan retired in 1978 b ill health and returned Falls. He had lived with h until recently. He was a n the American Watchma stitute and American Phy ety.

Survivors include his Mary Jordan, and a sister, Moore, both of Great Fall ther, Emmett Jordan, died

State death

HELENA — OSWALD, L., 61, former assistant and secretary of Americ liance; which her family op Great Falls, died of natur Thursday at her home near A memorial service will

NFL

UNDERDOG FAVORITE PTS.
SUNDAY, SEPT 4

1. Phoenix	2. CINCINNATI	-5
3. Dallas	4. PITTSBURGH	-3
5. GREEN BAY	6. LA Rams	-3
7. BUFFALO	8. Minnesota	-3
9. NEW ORLEANS	10. San Francisco	-3
11. TAMPA BAY	12. Philadelphia	-7
13. Miami	14. CHICAGO	-4
15. Atlanta	16. DETROIT	-5
17. Houston	18. INDIANAPOLIS	-4
19. KANSAS CITY	20. Cleveland	-3
21. NY Jets	22. NEW ENGLAND	-7
23. San Diego	24. LA RAIDERS	-5
25. Seattle	26. DENVER	-4

MONDAY SEPT. 5

27. Washington	28. NY GIANTS	-3
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Home team in CAPS

BETS MUST VARY
DEPENDING ON
TEAM AND ODDS.

TIES LOSE

1903 0N

1903 0N

..SEPT 4-5, 1988..

1 2 3 4 5 6 7 8 9 10 11
 12 13 14 15 16 17 18 19 20
 21 22 23 24 25 26 27 28 29
 30 31 32 33 34 35 36 37 38
 NO. OF PICKS ..TT

**MONTANA
 CALCUTTA
 FOOTBALL
 POOL**

IN ACCORDANCE WITH
 MCA 23-5-1101

ODDS

- 3 OF 3 6 TO 1
- 4 OF 4 10 TO 1
- 5 OF 5 15 TO 1
- 6 OF 6 30 TO 1
- 7 OF 7 50 TO 1
- 8 OF 8 80 TO 1
- 9 OF 9 90 TO 1
- 10 OF 10 100 TO 1
- 11 OF 12 100 TO 1

NAME _____

ADDRESS _____

CITY _____

PHONE NO. _____

BACK →

23-5-1031 through 23-5-1035 reserved.

23-5-1036. Penalties. It is a misdemeanor, punishable by a fine not to exceed \$500 or imprisonment in the county jail for a term not to exceed 6 months, or both, to knowingly or purposely:

- (1) require an employee to sell lottery tickets or chances in violation of 23-5-1016(9);
- (2) violate 23-5-1016(11);
- (3) sell a lottery ticket or chance to a person under 18 years of age;
- (4) violate subsection (3) or (4) of 23-5-1017;
- (5) serve as a commissioner, director, assistant director, employee, or licensed agent of the state lottery in violation of 23-5-1019;
- (6) violate 23-5-1020;
- (7) violate 23-5-1021; or
- (8) influence the winning of a prize through the use of coercion, fraud, deception, or tampering with lottery equipment or materials.

History: En. Sec. 20, Ch. 669, L. 1985.

Part 11

Calcutta Pools

23-5-1101. Definition. As used in this part, "Calcutta pool" means a form of auction pool in which persons bid or wager money, with winnings awarded based on the outcome of an event, except that persons may not bid or wager money on any elementary school or high school sports event.

History: En. Sec. 1, Ch. 550, L. 1987.

23-5-1102. Calcutta pools authorized. It is hereby lawful to conduct or participate in a Calcutta pool as defined in 23-5-1101.

History: En. Sec. 2, Ch. 550, L. 1987.

23-5-1103. Minors not to participate. No person under the age of 18 may be permitted to participate in a Calcutta pool organized or conducted pursuant to this part.

History: En. Sec. 3, Ch. 550, L. 1987.

23-5-1104. Cheating unlawful. It is unlawful for any person to conduct or participate in a Calcutta pool authorized under this part in a manner that results in cheating, misrepresentation, or other disreputable tactics that distract from a fair and equal chance for all participants to win the pool or that otherwise affects the outcome of the pool.

History: En. Sec. 4, Ch. 550, L. 1987.

23-5-1105. Penalty. Any person who violates a provision of this part is guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000 or imprisoned in the county jail for a term not to exceed 3 months, or both.

History: En. Sec. 5, Ch. 550, L. 1987.

23-5-1106. Construction. Nothing in this part may be construed to permit a person to conduct a race meet or to bet on a race of a licensed race meet in violation of 23-4-201 and 23-4-301.

History: En. Sec. 6, Ch. 550, L. 1987.

SENATE JUDICIARY

EXHIBIT NO. _____

DATE _____

BILL NO. _____

Senator Bruce Crippen, Chairman
Judiciary Committee
Montana Senate
Capitol Building
Helena, Montana 59620

Re: Senate Bill 363

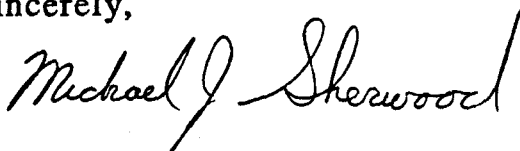
Dear Chairman Crippen:

On February 13, 1989, I testified in opposition to Senate Bill 363. I expressed concerns voiced by my predecessor, Karl Englund, regarding the elimination of a monetary amount exception to binding future arbitration. Karl suggested those limitations when the act was first passed in Montana because of a concern that the bill might act to the detriment of unsophisticated parties.

Since the passage of the act there has been no significant litigation generated and it has been a good tool, especially in the field of commercial agreements and disagreements. Upon a complete review of the act, the Uniform Arbitration Act upon which it is based, and the case law which has been generated, I am willing to withdraw my opposition to the bill.

There is some risk that unsophisticated parties may be victimized by the amendments but only time will tell. I cannot promise you that MTLA won't be proposing that the language be reinserted in the future, but we are willing to withdraw our objections at this time.

Sincerely,



Michael J. Sherwood

DATE (2-14-89)

COMMITTEE ON

Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Janet Ellis	Audubon	SB 385	✓	
Tex Fote	M. A.	SB 369		
Chris Kaufman	MEIC	SB 385	✓	
Carol Mesberg	Mt. Battle Women	SB 369	✓	✓
Steve Mandeville	Self	SB 369		✓
Arden Huddleston	MSE INC.	SB 385	✓	
Doug Parker	Hydrometries	SB 325	✓	
Lorna Frank	Barn Bureau	SB 369	X	✓
Rob Smith	Attorney General	SB 369	✓	
Mignon Waterman	Mt. Assoc. of Churches	SB 369	✓	
Word Shanahan by ALJ	ARCO	SB 385		
Stan Bradshaw	Trout Unlimited	SB 385		
Robert Dozier	N. P. R. C.	SB 385	✓	
Ann Wilson	Sierra Club	SB 385	✓	
Leo Berry	BNRR	SB 385	with amend	
Don Pangel	Buck Silver Bow	SB 385	✓	
Howard Gens	Flithead Co. Courier	SB 385	✓	
Pat Lane	FWDP	SB 385	✓	
Jim Paulson	GIA	SB 369	✓	

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-14-89 Senate Bill No. 266 Time _____

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	<i>left</i>	
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK		
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	

Do Pass 7 to 1
AS AMENDED

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Harp Amend UNAN
DPA Passed 7 to 1