EXHIBIT 5
DATE 1/24/05
HB 201

TESTIMONY ON H.B. 201

January 24, 2005

My name is Jim Flynn, I reside at Anaconda, Montana and I appear before this committee in support of HB 201.

When the State of Montana filed its Lawsuit in 1983 against ARCO for Natural Resource Damages in the Upper Clark Fork River Basin, it did so with the intent of receiving adequate funds to restore and replace those Natural Resources damaged by 100 years of Mining and Smelting.

Through the 1980's and early 1990's a lot of time, effort and money went into the Lawsuit itself. This effort was diligently pursued and resulted in a partial settlement in 1998. Since that time some Restoration and Replacement has taken place with about $5 Million per year spent since that partial settlement. We are now at the point where more money is being spent on the ground than in the Courts and that is as it should be.

However the Lawsuit is not yet fully completed. The remainder must be finalized before the total Restoration and Replacement can occur. I would hope that the effort that has been carried on through the terms of four Governors, four Attorney Generals and ten Legislative Sessions will continue with passage of this Legislation.

As a resident of the Upper Clark Fork River Basin I appreciate the work that has been done by the State of Montana on this matter and I Thank You for your consideration.