

1 SENATE BILL NO. 233

2 INTRODUCED BY S. KITZENBERG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE LOWER MISSOURI RIVER PARTNERS
5 COUNCIL; PROVIDING FOR MEMBERSHIP ON THE COUNCIL; REQUIRING THAT THE DEPARTMENT OF
6 NATURAL RESOURCES AND CONSERVATION PROVIDE STAFF SUPPORT FOR THE COUNCIL;
7 PROVIDING FOR THE DUTIES OF THE COUNCIL; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11 NEW SECTION. **Section 1. Lower Missouri River partners council -- purpose -- membership and**
12 **duties.** (1) (a) The purpose of the lower Missouri River partners council is to seek to improve reservoir and river
13 flow management to best meet the needs of the citizens of Montana that live and recreate in this region and to
14 improve the lower Missouri River basin ecosystem.

15 (b) The portion of the basin that the lower Missouri River partners council will oversee is from the Fred
16 Robinson bridge to the North Dakota border, including Fort Peck lake and the river corridor.

17 (2) There is a lower Missouri River partners council. The council has 15 members who must be
18 appointed as follows:

19 (a) The Fort Peck tribe may appoint two members.

20 (b) Each of the conservation districts in the basin may appoint a member. The conservation district shall
21 request input and recommendations from the county commissioners in its county.

22 (c) The department director shall appoint the remaining council members and shall ensure that council
23 membership includes a balance of affected basin interests and is in conformance with subsection (3).

24 (3) Council members must be selected on the basis of their knowledge of water use, water
25 management, fish, wildlife, recreation, water quality, and water conservation. Representation on the committee
26 must include but is not limited to:

27 (a) a homeowner on Fort Peck reservoir;

28 (b) a representative of a fishing or conservation organization;

29 (c) a marina operator;

30 (d) two or three representatives of agricultural interests;

- 1 (e) a representative of the tourist industry;
- 2 (f) a representative of the Fort Peck advisory council; and
- 3 (g) a representative of the lower Missouri River coordinated resource management council.
- 4 (4) The director shall request that representatives from appropriate state and federal agencies be ex
5 officio members of the council to serve in technical or advisory capacities. The director shall request a
6 representative from:
- 7 (a) the department of fish, wildlife, and parks who is familiar with the Fort Peck reservoir and
8 surrounding area;
- 9 (b) the department of environmental quality who has knowledge and skills related to the development
10 of a total maximum daily load;
- 11 (c) the United States corps of engineers at Fort Peck reservoir;
- 12 (d) the United States department of agriculture, natural resources conservation service, who has
13 knowledge of the area;
- 14 (e) the United States department of the interior who has knowledge of the upper Missouri national wild
15 and scenic river and Charles M. Russell wildlife refuge;
- 16 (f) the United States department of the interior, bureau of land management;
- 17 (g) the United States department of the interior, bureau of Indian affairs; and
- 18 (h) the Missouri River basin association, preferably Montana's representative.
- 19 (5) The council shall adopt bylaws that govern the council's activities.
- 20 (6) The department shall provide staff support to the council.
- 21 (7) Duties of the council in addressing the area described in subsection (1)(b) include but are not limited
22 to the following:
- 23 (a) work with the department of environmental quality on the development of a total maximum daily load
24 for the lower Missouri River;
- 25 (b) develop recommendations on state positions, to submit to the governor, on the United States army
26 corps of engineers' annual operating plan for the Missouri River or any other action of the United States army
27 corps of engineers, the federal environmental protection agency, and the United States fish and wildlife service;
- 28 (c) respond to actions affecting releases from Fort Peck reservoir;
- 29 (d) respond to actions that affect water levels in Fort Peck reservoir;
- 30 (e) seek and obtain funding for projects on Fort Peck reservoir and the lower Missouri River in Montana;

1 and

2 (f) develop a water management plan for the lower Missouri River and Fort Peck reservoir.

3 (8) The provisions of 2-15-122(5) apply to council members that are not ex officio members as provided
4 in subsection (4).

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6 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 85, chapter 2, part 1, and the provisions of Title 85, chapter 2, part 1, apply to [section 1].

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9 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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