

Unofficial Draft Copy

As of: September 10, 2008 (10:27am)

LC5016

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act creating the water policy committee, relieving the water policy committee of administrative rule and agency oversight duties; allowing the water policy committee to study any issue related to water policy; requiring the water policy committee to coordinate with the environmental quality council and any other committee to avoid duplication of efforts; amending sections 5-5-202, 5-5-215, and 85-2-105, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-5-202, MCA, is amended to read:

"5-5-202. Interim committees. (1) During an interim when the legislature is not in session, the committees listed in subsection (2) are the interim committees of the legislature. They are empowered to sit as committees and may act in their respective areas of responsibility. The functions of the legislative council, legislative audit committee, legislative finance committee, environmental quality council, and state-tribal relations committee are provided for in the statutes governing those committees.

(2) The following are the interim committees of the legislature:

(a) economic affairs committee;

- (b) education and local government committee;
- (c) children, families, health, and human services committee;
- (d) law and justice committee;
- (e) energy and telecommunications committee;
- (f) revenue and transportation committee; and
- (g) water policy committee; and
- (h) state administration and veterans' affairs committee.

(3) An interim committee or the environmental quality council may refer an issue to another committee that the referring committee determines to be more appropriate for the consideration of the issue. Upon the acceptance of the referred issue, the accepting committee shall consider the issue as if the issue were originally within its jurisdiction. If the committee that is referred an issue declines to accept the issue, the original committee retains jurisdiction.

(4) If there is a dispute between committees as to which committee has proper jurisdiction over a subject, the legislative council shall determine the most appropriate committee and assign the subject to that committee."

{ Internal References to 5-5-202:
5-11-105x 47-1-105x }

Section 2. Section 5-5-215, MCA, is amended to read:

"5-5-215. Duties of interim committees. (1) Except as provided in subsection (2), each ~~Each~~ interim committee shall:

- (a) review administrative rules within its jurisdiction;

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(b) subject to 5-5-217(3), conduct interim studies as assigned;

(c) monitor the operation of assigned executive branch agencies with specific attention to the following:

(i) identification of issues likely to require future legislative attention;

(ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and

(iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;

(d) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and

(e) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work.

(2)(a) The provisions of subsections (1)(a), (1)(c), and (1)(d) do not apply to the water policy committee.

(b) The water policy committee may examine any issue related to water policy.

(c) Subject to the provisions of 5-5-202(4), the water policy committee shall coordinate with the environmental quality council and other interim committees to avoid duplication of efforts.

~~(2)~~(3) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may

require for presentation to the next regular session of the legislature.

~~(3)~~(4) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee."

{Internal References to 5-5-215: None.}

Section 3. Section 85-2-105, MCA, is amended to read:

"85-2-105. Environmental quality council -- water policy duties. (1) The environmental quality council shall meet as often as necessary, including during the interim between sessions, to perform the duties specified within this section.

(2) On a continuing basis, the environmental quality council ~~shall~~ may:

(a) advise the legislature on the adequacy of the state's water policy and on important state, regional, national, and international developments that affect Montana's water resources;

(b) oversee the policies and activities of the department, other state executive agencies, and other state institutions as those policies and activities affect the water resources of the state;

(c) assist with interagency coordination related to Montana's water resources; and

(d) communicate with the public on matters of water policy as well as the water resources of the state.

(3) On a regular basis, the environmental quality council shall:

(a) analyze and comment on the state water plan required by 85-1-203, when filed by the department;

(b) analyze and comment on the report of the status of the state's renewable resource grant and loan program required by 85-1-621, when filed by the department;

(c) analyze and comment on water-related research undertaken by any state agency, institution, college, or university;

(d) analyze, verify, and comment on the adequacy of and information contained in the water information system maintained by the natural resource information system under 90-15-305; and

(e) report to the legislature as provided in 5-11-210.

(4) The legislative services division shall provide staff assistance to the environmental quality council to carry out its water policy duties."

{ *Internal References to 85-2-105: None.* }

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