

SENATE JOINT RESOLUTION NO. 36

INTRODUCED BY B. HAMLETT

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE STUDY THE EFFECTS OF THE IMPLEMENTATION OF INDIAN AND FEDERAL RESERVED WATER RIGHTS COMPACTS.

WHEREAS, a 1908 U.S. Supreme Court decision created the concept of reserved Indian and federal water rights as distinct from state-based water rights; and

WHEREAS, the 1979 Legislature created the Reserved Water Rights Compact Commission to represent the State of Montana and to negotiate with Indian tribes and federal agencies regarding these reserved water rights; and

WHEREAS, the Reserved Water Rights Compact Commission has negotiated 17 compacts with tribes and federal agencies; and

WHEREAS, compacts may require approvals by tribes, federal agencies, Congress, the Montana Legislature, and the Montana Water Court; and

WHEREAS, approved and settled compacts will require future administration, enforcement, financial obligations, and legal support by the State of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) review the status of each compact;
- (2) assess the impact of compact implementation on the State of Montana, including any administrative, enforcement, financial, and legal effects, plus any other related issues;
- (3) assess the future role of the Montana Legislature on compacts, including appropriation of state funds to meet compact terms, biennial budget requests for implementation staff, and any other related issues.

BE IT FURTHER RESOLVED, that the committee consider the knowledge and advice of:

- (1) staff from federal, state, and tribal agencies involved in the implementation of compacts;



1 (2) water users impacted by the implementation of compacts; and

2 (3) other agencies and organizations considered appropriate by the committee.

3 BE IT FURTHER RESOLVED, that the study identify areas for future legislative action, if needed.

4 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
5 presented to and reviewed by an appropriate committee designated by the Legislative Council.

6 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
7 requirements, be concluded prior to September 15, 2014.

8 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
9 comments, or recommendations of the appropriate committee, be reported to the 64th Legislature.

10 - END -