

1 SENATE BILL NO. 83
 2 INTRODUCED BY M. CUFFE
 3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE WESTERN MONTANA CONSERVATION
 6 COMMISSION ACT; ELIMINATING THE FLATHEAD BASIN COMMISSION AND THE UPPER COLUMBIA
 7 CONSERVATION COMMISSION; ELIMINATING LAWS RELATED TO THE FLATHEAD BASIN COMMISSION
 8 ACT; PROVIDING REQUIREMENTS FOR VOTING MEMBERS AND NONVOTING REPRESENTATIVES;
 9 ESTABLISHING REPORTING REQUIREMENTS; REPEALING SECTIONS 2-15-3310, 2-15-3330, 2-15-3331,
 10 2-15-3332, 75-7-301, 75-7-302, 75-7-303, 75-7-304, 75-7-305, 75-7-307, 75-7-308, AND 80-7-1026, MCA;
 11 AND PROVIDING AN EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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15 NEW SECTION. Section 1. Western Montana conservation commission. (1) There is a western
16 Montana conservation commission consisting of 16 voting members. The commission is attached to the
17 department of natural resources and conservation for administrative purposes only, as prescribed in 2-15-121.

18 (2) The governor shall appoint nine of the voting members who represent each of the following
19 groups within western Montana:

20 (a) the hydropower utility industry;

21 (b) an electric cooperative;

22 (c) a private landowner who is a member of an irrigation district;

23 (d) a private citizen at large;

24 (e) private industry; and

25 (f) a director, officer, staff person, or member of a natural resource, conservation, or recreation
26 organization, representing each of the following geographic areas:

27 (i) the Clark Fork river basin upstream from Missoula, including the Blackfoot river basin;

28 (ii) the Clark Fork river basin downstream from Missoula, including the Bitterroot river basin;

1 is to protect the existing high quality of western Montana's aquatic resources.

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3 NEW SECTION. Section 4. Definitions. As used in [sections 2 through 8], the following definitions
4 apply:

5 (1) "Aquatic resources" means all beneficial uses of water, including but not limited to water quality
6 and water supply; recreational, scenic, and aesthetic values; and fish, wildlife, and other organisms, including
7 the prevention and management of aquatic invasive species.

8 (2) "Commission" means the western Montana conservation commission established in [section 1].

9 (3) "Department" means the department of natural resources and conservation.

10 (4) "Western Montana" means all land and water areas west of the continental divide and within
11 the Montana portion of the headwaters of the Columbia River basin.

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13 NEW SECTION. Section 5. Duties of the commission. Duties of the commission are to:

14 (1) monitor the existing condition of natural resources in western Montana and coordinate
15 development of a 5-year monitoring strategy. This strategy must be developed with input from all land and
16 water management agencies within western Montana and identify proposed and needed monitoring that
17 emphasizes but is not limited to the aquatic resources of western Montana.

18 (2) support, promote, and ensure the continuation of a comprehensive aquatic invasive species
19 prevention program in western Montana to assure it is implemented effectively and efficiently to protect aquatic
20 resources, local economies, and native species;

21 (3) encourage close cooperation and coordination between federal, state, provincial, tribal, and
22 local resource managers for the establishment of consistent natural resource conservation practices,
23 comprehensive monitoring, data collection, and interpretation;

24 (4) encourage and work for international coordination between the state of Montana and the
25 province of British Columbia concerning the undertaking of natural resource monitoring and use of consistent
26 standards for management of natural resources throughout the region that may have influences on aquatic
27 resources within western Montana;

28 (5) provide focused support and programming to the aquatic and natural resources of the Flathead

- 1 River basin given its economic, cultural, and natural resource importance to the state of Montana;
- 2 (6) support economic development and use of western Montana's resources to their fullest extent
- 3 without compromising the aquatic resources of western Montana;
- 4 (7) undertake, with the commission's discretion, investigations of resource utilization and hold
- 5 public hearings concerning the condition of aquatic resources and other natural resources in western Montana;
- 6 (8) use the result of the duties performed pursuant to subsections (1) through (7) to create public-
- 7 private partnerships that:
- 8 (a) result in projects to reduce point source water pollution and nonpoint source water pollutions,
- 9 as those terms are defined in 75-5-103;
- 10 (b) prevent the spread of invasive species; and
- 11 (c) maintain, enhance, restore, expand, or benefit the aquatic resources of western Montana;
- 12 (9) implement in collaboration with the department policies pursuant to 85-1-101, through the
- 13 administration of portions of the renewable resource grant and loan program under 85-1-601, within western
- 14 Montana;
- 15 (10) implement in collaboration with the department the portion of state policy expressed in the
- 16 reclamation and development grants program act under 90-2-1102 through administration of grants and loans
- 17 within western Montana;
- 18 (11) submit to the governor, and the legislature the environmental quality council, and the water
- 19 policy interim committee, in accordance with 5-11-210, a biennial report that includes:
- 20 (a) a summary of information gathered in fulfillment of its duties under this section;
- 21 (b) information on monitoring activities within western Montana concerning the condition of the
- 22 region's natural resources with particular emphasis on aquatic resources;
- 23 (c) the identification of land use, land development, and economic trends in western Montana;
- 24 (d) recommendations the commission considers appropriate for fulfillment of its duties and for the
- 25 continued preservation of aquatic resources in western Montana; and
- 26 (e) an accounting of all money received and disbursed, by source and purpose, for the period
- 27 since the last biennial report; and
- 28 (12) meet at least semiannually within western Montana at locations selected by the commission.