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SENATE BILL NO. 17
INTRODUCED BY J. WELBORN
BY REQUEST OF THE WATER POLICY INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING OVERSIGHT DUTIES OF THE STATEWIDE STREAM GAUGE NETWORK BY THE GOVERNOR'S DROUGHT AND WATER SUPPLY ADVISORY COMMITTEE; ELIMINATING THE STREAM GAUGE OVERSIGHT WORK GROUP; AMENDING SECTION 2-15-3308, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-3308, MCA, is amended to read:

"2-15-3308. (Temporary) Drought and water supply advisory committee -- stream gauge oversight work group. (1) There is a drought and water supply advisory committee in the department of natural resources and conservation.

(2) The drought and water supply advisory committee is chaired by a representative of the governor and consists of representatives of the departments of natural resources and conservation; agriculture; commerce; fish, wildlife, and parks; military affairs; environmental quality; and livestock. The governor's representative must be appointed by the governor, and the representative of each department must be appointed by the head of that department. Additional, nonvoting members who represent federal and local government agencies and public and private interests affected by drought, flooding, or water supply may also be appointed by the governor.

(3) The drought and water supply advisory committee shall:

(a) with the approval of the governor, develop and implement a state plan that considers drought and flooding, mitigation, and response;

(b) review and report drought and water supply monitoring information to the public;

(c) coordinate timely drought and flooding impact assessments and maintain regular communication with the United States drought monitor, the national drought mitigation center, the division of

1 disaster and emergency services, the national weather service, and other appropriate local, state, tribal, and
2 federal partners;

3 (d) identify areas of the state with a high probability of drought or flooding and target reporting and
4 assistance efforts to those areas in coordination with local, state, tribal, and federal agencies;

5 (e) upon request, assist in organizing local advisory committees for the areas identified under
6 subsection (3)(d);

7 (f) request state agency staff to provide technical assistance to local advisory committees;

8 (g) promote ideas and activities for groups and individuals to consider that may reduce
9 vulnerability to drought or flooding and improve seasonal forecasting of water supply; and

10 (h) select members of the committee to serve on a stream gauge oversight work group.

11 (4) The drought and water supply advisory committee shall meet, at a minimum, on or around
12 October 15 and March 15 of each year to assess moisture conditions and forecasts and, as appropriate, begin
13 preparations for drought or flood mitigation.

14 (5) By April 15 of each year, the drought and water supply advisory committee shall submit a
15 report to the governor's office that, to the extent possible, describes the potential for drought or flooding in the
16 coming year, describes the current water supply conditions of the state, taking into consideration winter
17 precipitation, and provides an assessment of the cumulative water supply status.

18 (6) By July 1 of each year, the drought and water supply advisory committee shall submit a report
19 to the governor's office evaluating the potential for drought for the remainder of the calendar year. If the report
20 identifies a potential for drought that is likely to cause adverse impacts to human health and safety,
21 environmental quality, or both, the committee shall notify the division of disaster and emergency services and
22 county commissioners, tribal governments, conservation districts, and local watershed groups in the geographic
23 location potentially impacted by drought and the types of impacts likely to occur.

24 (7) (a) The stream gauge oversight work group shall meet at least semiannually to review:

25 (i) locations, uses, and funding arrangements for the stream gauge network of the U.S. geological
26 survey; and

27 (ii) priorities, needs, and expectations of those funding the maintenance and operations of these
28 stream gauges and those using data measured by these stream gauges.

- 1 (b) The work group shall create annually a stream gauge infrastructure work plan, which may
 2 include:
- 3 (i) a comprehensive overview of the existing stream gauge network;
- 4 (ii) a review of options for funding the maintenance and operations of the stream gauge network,
 5 including use of private funds, consolidated agreements, or multipayer payments;
- 6 (iii) a proposal for stream gauge priorities;
- 7 (iv) cost-effective and reasonable alternatives to stream gauges, including gauges that are not part
 8 of the U.S. geological survey's stream gauge network, if applicable;
- 9 (v) oversight of recommendations and activities related to any legislative study of stream gauges;
- 10 and
- 11 (vi) coordination of information regarding stream gauge funding recommendations and requests
 12 from state and federal agencies.
- 13 (c) The work group shall report to the water policy interim committee in accordance with 5-11-210.
- 14 (8) Nothing in this section is intended to remove or interfere with the duties and responsibilities of
 15 the governor or the division of disaster and emergency services for disaster coordination and emergency
 16 response, as provided in Title 10, chapter 3, part 1. The duties and responsibilities of the drought and water
 17 supply advisory committee supplement and are consistent with those of the division of disaster and emergency
 18 services for drought or flood planning, preparation, coordination, and mitigation. (Terminates June 30, 2023--
 19 sec. 7, Ch. 298, L. 2019.)

20 **2-15-3308. (Effective July 1, 2023) Drought and water supply advisory committee -- stream**
 21 **gauge oversight.** (1) There is a drought and water supply advisory committee in the department of natural
 22 resources and conservation.

23 (2) The drought and water supply advisory committee is chaired by a representative of the
 24 governor and consists of representatives of the departments of natural resources and conservation; agriculture;
 25 commerce; fish, wildlife, and parks; military affairs; environmental quality; and livestock. The governor's
 26 representative must be appointed by the governor, and the representative of each department must be
 27 appointed by the head of that department. Additional, nonvoting members who represent federal and local
 28 government agencies and public and private interests affected by drought, flooding, or water supply may also

1 be appointed by the governor.

2 (3) The drought and water supply advisory committee shall:

3 (a) with the approval of the governor, develop and implement a state plan that considers drought
4 and flooding, mitigation, and response;

5 (b) review and report drought and water supply monitoring information to the public;

6 (c) coordinate timely drought and flooding impact assessments and maintain regular
7 communication with the United States drought monitor, the national drought mitigation center, the division of
8 disaster and emergency services, the national weather service, and other appropriate local, state, tribal, and
9 federal partners;

10 (d) identify areas of the state with a high probability of drought or flooding and target reporting and
11 assistance efforts to those areas in coordination with local, state, tribal, and federal agencies;

12 (e) upon request, assist in organizing local advisory committees for the areas identified under
13 subsection (3)(d);

14 (f) request state agency staff to provide technical assistance to local advisory committees; ~~and~~

15 (g) promote ideas and activities for groups and individuals to consider that may reduce
16 vulnerability to drought or flooding and improve seasonal forecasting of water supply; and

17 (h) coordinate oversight of the statewide stream gauge network identified by the department of
18 natural resources and conservation, including:

19 (i) an early notification process for the discontinuation of any network gauge;

20 (ii) an annual review of the funding status and potential alterations to the network; and

21 (iii) an annual report to the water policy interim committee, in accordance with 5-11-210, on the
22 drought and water supply advisory committee's network oversight activities.

23 (4) The drought and water supply advisory committee shall meet, at a minimum, on or around
24 October 15 and March 15 of each year to assess moisture conditions and forecasts and, as appropriate, begin
25 preparations for drought or flood mitigation.

26 (5) By April 15 of each year, the drought and water supply advisory committee shall submit a
27 report to the governor's office that, to the extent possible, describes the potential for drought or flooding in the
28 coming year, describes the current water supply conditions of the state, taking into consideration winter

1 precipitation, and provides an assessment of the cumulative water supply status.

2 (6) By July 1 of each year, the drought and water supply advisory committee shall submit a report
3 to the governor's office evaluating the potential for drought for the remainder of the calendar year. If the report
4 identifies a potential for drought that is likely to cause adverse impacts to human health and safety,
5 environmental quality, or both, the committee shall notify the division of disaster and emergency services and
6 county commissioners, tribal governments, conservation districts, and local watershed groups in the geographic
7 location potentially impacted by drought and the types of impacts likely to occur.

8 (7) Nothing in this section is intended to remove or interfere with the duties and responsibilities of
9 the governor or the division of disaster and emergency services for disaster coordination and emergency
10 response, as provided in Title 10, chapter 3, part 1. The duties and responsibilities of the drought and water
11 supply advisory committee supplement and are consistent with those of the division of disaster and emergency
12 services for drought or flood planning, preparation, coordination, and mitigation."

13

14 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2023.

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