

**Unofficial Draft Copy**

As of: August 30, 2018 (2:40pm)

LCw008

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act creating a stream gauge oversight work group; and amending section 2-15-3308, MCA."

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

NEW SECTION. **Section 1. Policy considerations.** (1)

Article IX, section 3(3) of the Montana Constitution declares that all surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

(2) The legal appropriation of water requires that the water be legally and physically available for appropriation.

(3) Measurement and monitoring of stream flow supports the state's ability to determine when water is physically and legally available to meet new demands while protecting existing water rights.

(4) The effective management and distribution of water depends on accurate real-time measurement of streamflow.

NEW SECTION. **Section 2. Purpose.** (1) The 2015 Montana state water plan recognizes that improving Montana's water supply and distribution monitoring network will improve the ability of

water managers and water users to adjust to seasonal supply and demand imbalances as well as plan for longer term imbalances associated with climate variability.

(2) It is the intent of the legislature to support local, state, and federal efforts and programs to collect and distribute timely and accurate information on Montana stream flows.

(3) The legislature recognizes that stream flow information is collected by numerous state and federal agencies and tribes to meet their statutory responsibilities.

(4) The legislature recognizes that stream flow information collected by state, tribal and federal entities is critical to administration of the Montana Water Use Act, distribution of water by decree, water supply planning for municipalities and implementation of plans and agreements that address locally developed drought, fish habitat, or water supply objectives.

(5) The legislature recognizes it is in the public interest to support and encourage coordination in the collection and distribution of stream flow information.

(6) The purpose of [sections 1-3] is to establish a stream gage working group supported by the department of natural resources and conservation.

**NEW SECTION. Section 3. Stream gage oversight work group.**

(1) There is a stream gage oversight work group supported by the department of natural resources and conservation.

(2) The work group is composed of those with a stake in the collection and distribution of stream flow information, including

but not limited to state and federal agencies, tribes, municipalities, watershed groups, conservation districts, and citizens.

(3) The work group shall meet at least semiannually to review:

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

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

(3) The work group shall create a stream gauge infrastructure work plan annually, which may include:

(a) a comprehensive overview of the existing stream gauge network;

(b) a review of options for funding the maintenance and operations of the stream gauge network, including use of private funds, consolidated agreements, or multipayer payments;

(b) a proposal for stream gauge priorities;

(c) cost-effective and reasonable alternatives to stream gauges, including gauges that are not part of the U.S. geological survey's stream gauge network, if applicable;

(d) oversight of recommendations and activities related for any legislative study of stream gauges; and

(e) coordination of information regarding stream gauge funding recommendations and requests from state and federal agencies.

(4) The work group will report at least semiannually to the

drought and water supply advisory committee created pursuant to 2-15-3308.

(5) The department of natural resources and conservation shall provide staff support to the stream gauge oversight work group. The department may designate a professional consultant or advisor to convene and facilitate the work group's activities. The department and the consultant or advisor shall identify the individuals and organizations to participate in the work group.

**Section 4.** Section 2-15-3308, MCA, is amended to read:

**"2-15-3308. Drought and water supply advisory committee.**

(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 or flooding 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;

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

(c) coordinate timely drought and flooding impact assessments;

(d) identify areas of the state with a high probability of drought or flooding and target reporting and assistance efforts to those areas;

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

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

(g) promote ideas and activities for groups and individuals to consider that may reduce drought or flooding vulnerability; and

(h) provide oversight of the stream gauge oversight work group created pursuant to [section 3].

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

(5) By April 15 of each year, the drought and water supply advisory committee shall submit a report to the governor describing the potential for drought or flooding in the coming year. If the potential for drought or flooding merits additional activity by the drought and water supply advisory committee, the report must also describe:

(a) activities to be taken by the drought and water supply

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advisory committee for informing the public about the potential impacts of drought or flooding;

(b) a schedule for completing activities;

(c) geographic areas for which the creation of local drought and water supply advisory committees will be suggested to local governments and citizens; and

(d) requests for the use of any available state resources that may be necessary to prevent or minimize drought or flood impacts.

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

{*Internal References to 2-15-3308: None.*}

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