

SENATE BILL NO. 161

INTRODUCED BY TURNAGE, B. BROWN, ELLIOTT, NALLIGAN,
KEATING, MARBUT, HIMSL, MCCALLUM, NORMAN, STEPHENS,
DOVER, HAGER, SEVERSON, KOLSTAD, ECK, MOHAR, LANE,
H. HAMMOND, E. SMITH, GOODOVER, STORY, VAN VALKENBURG,
CONNELLY, J. BROWN, LYBECK, MUELLER, HANSEN, MCBRIDE,
J. HAMMOND, REAM, WALDRON, KADAS, ZABROCKI, HANNAH

IN THE SENATE

January 15, 1983	Introduced and referred to Committee on Natural Resources.
January 17, 1983	Fiscal note requested.
January 21, 1983	Fiscal note returned.
January 27, 1983	Committee recommend bill do pass as amended. Report adopted.
January 28, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass.
January 31, 1983	Correctly engrossed.
February 1, 1983	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 2, 1983	Introduced and referred to Committee on Natural Resources.
March 8, 1983	Committee recommend bill be concurrent in as amended. Reported adopted.
March 10, 1983	Second reading, concurred in.
March 11, 1983	Third reading, concurred in.

IN THE SENATE

March 12, 1983

Returned to Senate with
amendments.

March 14, 1983

Second reading, amendments
concurred in.

March 15, 1983

Third reading, amendments
concurred in. Ayes, 48;
Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

Senate BILL NO. 161

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A FLATHEAD

BASIN COMMISSION TO COORDINATE MONITORING OF THE QUALITY AND

CONDITIONS OF FLATHEAD LAKE AND THE NATURAL RESOURCES WITHIN

THE FLATHEAD BASIN; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Flathead Lake is the largest natural body of

fresh water in the continental United States west of the

Mississippi River and is a significant natural resource of

value statewide and in the Northwestern region of the United

States; and

WHEREAS, research undertaken as part of the Flathead

River basin environmental impact study demonstrates that the

quality of the Flathead Lake aquatic environment is

vulnerable to and affected by all forms of land use and

resource development within the Flathead basin; and

WHEREAS, even though the Flathead Lake aquatic

environment is of excellent quality, the cumulative impact

of a wide variety of resource development activities poses a

threat to the aquatic environment of the Flathead basin; and

WHEREAS, protection of this natural resource is

complicated by overlapping and potentially conflicting

international, state, provincial, tribal, and local

jurisdictional interests and responsibilities, which require awareness, coordinated effort, shared responsibility, and devotion to the naturalness of the basin by each land and water management entity with responsibility in the basin.

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

Section 1. Short title. [This act] may be cited as the "Flathead Basin Commission Act of 1983".

Section 2. Purpose. The purpose of the Flathead basin commission is to protect the existing high quality of the Flathead Lake aquatic environment; the waters that flow into, out of, or are tributary to the lake; and the natural resources and environment of the Flathead basin.

Section 3. Definitions. As used in [this act], the following definitions apply:

(1) "Aquatic resources" means all beneficial uses of water, including but not limited to water quality and water supply; recreational, scenic, and aesthetic values; and fish, wildlife, and other organisms.

(2) "Commission" means the Flathead basin commission established in [section 4].

(3) "Flathead basin" means all land and water areas the water from which drains into Flathead Lake or its tributaries.

Section 4. Flathead basin commission -- membership --

-2- INTRODUCED BILL

SB 161

1 compensation. (1) There is a Flathead basin commission.

2 (2) The commission consists of 13 members selected as
3 follows:

4 (a) four members appointed by the governor from
5 industrial, environmental, and other groups affected by
6 [this act], one of whom must be on the governor's staff and
7 who also serves as the executive director;

8 (b) one member appointed by the Flathead County
9 commissioners;

10 (c) one member appointed by the Lake County
11 commissioners;

12 (d) one member appointed by the Confederated Salish
13 and Kootenai Tribes;

14 (e) one member appointed by the United States
15 department of agriculture, forest service regional forester
16 for the northern region;

17 (f) one member appointed by the United States
18 department of interior national park service, regional
19 director for the Rocky Mountain region;

20 (g) four ex officio members appointed respectively by
21 the chief executive of the provincial government of the
22 Province of British Columbia, the regional administrator of
23 the United States environmental protection agency, the
24 administrator of the Bonneville Power Administration, and
25 the chief of engineers of the United States army corps of

1 engineers.

2 (3) The commissioners shall serve without pay.
3 Commissioners, except for ex officio members, are entitled
4 to reimbursement for travel, meals, and lodging while
5 engaged in commission business, as provided in 2-18-501
6 through 2-18-503.

7 (4) The commission is attached to the governor's
8 office for administrative purposes only.

9 Section 5. Term of appointment -- quorum -- vacancy --
10 chairman -- vote. (1) The commission members shall serve
11 staggered 4-year terms.

12 (2) A majority of the membership, other than ex
13 officio members, constitutes a quorum of the commission.

14 (3) A vacancy on the commission must be filled in the
15 same manner as regular appointments, and the member so
16 appointed shall serve for the unexpired term to which he is
17 appointed.

18 (4) The commission shall select a chairman from among
19 its members. The chairman may make motions and vote.

20 (5) A favorable vote of at least a majority of all
21 members, except ex officio members, of the commission is
22 required to adopt any resolution, motion, or other decision
23 of the commission.

24 Section 6. Commission staff and office location. (1)
25 The executive director of the commission shall be

1 compensated on a pro rata basis from commission funds,
2 calculated upon the time he is required by the governor to
3 serve the commission.

4 (2) An office for the commission must be established
5 at a community located in the basin, and sufficient and
6 appropriate staff must be assigned to serve the commission.

7 Section 7. Duties of the commission. Duties of the
8 commission are:

9 (1) to monitor the existing condition of natural
10 resources in the basin and coordinate development of an
11 annual monitoring plan. This plan must involve a cooperative
12 strategy among all land and water management agencies within
13 the Flathead basin and identify proposed and needed
14 monitoring which emphasizes but is not limited to the
15 aquatic resources of the Flathead basin.

16 (2) to encourage close cooperation and coordination
17 between federal, state, provincial, tribal, and local
18 resource managers for establishment of compatible resource
19 development standards, comprehensive monitoring, and data
20 collection and interpretation;

21 (3) to encourage and work for international
22 cooperation and coordination between the state of Montana
23 and the Province of British Columbia concerning the
24 undertaking of natural resource monitoring and use of
25 consistent standards for management of resource development

1 activities throughout the North Fork Flathead River drainage
2 portion of the Flathead basin;

3 (4) to encourage economic development and use of the
4 basin's resources to their fullest extent without
5 compromising the present high quality of the Flathead
6 basin's aquatic environment;

7 (5) to undertake investigations of resource
8 utilization and hold public hearings concerning the
9 condition of Flathead Lake and Flathead basin;

10 (6) to submit a biennial report to the governor and
11 the appropriate committees of the legislature that includes:

12 (a) a summary of information gathered in fulfillment
13 of its duties under this section;

14 (b) information on monitoring activities within the
15 Flathead basin concerning the condition of the basin's
16 natural resources, with particular emphasis on Flathead
17 Lake;

18 (c) the identification of land use and land
19 development trends in the Flathead basin;

20 (d) any recommendations the commission considers
21 appropriate for fulfillment of its duties and for continued
22 preservation of the Flathead basin in the present high
23 quality of its aquatic resources; and

24 (e) an accounting of all money received and expended,
25 by source and purpose, for the period since the last report;

1 and

2 (7) to meet at least semiannually within the Flathead
3 basin, alternating the meeting site between the cities of
4 Kalispell and Polson.

5 Section 8. Commission authority. (1) The commission
6 may make recommendations to the legislature and the governor
7 and to federal, tribal, provincial, and local agencies for
8 maintenance and enhancement of the quality of natural
9 resources of the Flathead basin.

10 (2) Subject to appropriation by the legislature, the
11 commission may receive and expend donations, gifts, grants,
12 and other money necessary to fulfill its duties.

13 Section 9. Establishment of account. There is
14 established in the federal and private revenue fund a
15 Flathead basin commission account. Money received by the
16 Flathead basin commission under [section 8] and such other
17 funds as are designated or appropriated for its use must be
18 deposited in the account.

19 Section 10. Special county government authority. The
20 governing body of any county within or bordering upon the
21 Flathead basin may allocate to the Flathead basin commission
22 a portion of any money available from coal severance tax
23 allocations or other sources and designated for planning
24 activities.

25 Section 11. Cooperation with other agencies and

1 organizations. To fulfill its duties, the commission shall
2 develop and maintain cooperative programs with federal,
3 state, provincial, tribal, and local agencies or
4 organizations that are responsible for natural resource
5 management and monitoring in the Flathead basin.
6 Participating federal and provincial agencies must be
7 requested to provide adequate funds to participate on the
8 commission and to monitor resources within their areas of
9 responsibility.

10 Section 12. Initial terms of commission members. Five
11 members of the original commission shall serve 2-year terms,
12 thereby establishing staggered terms. Those members serving
13 2-year terms must be selected by lot at the first commission
14 meeting.

15 Section 13. Effective date. This act is effective July
16 1, 1983.

-End-

We the undersigned legislators, subscribe our names as
co-sponsors of the following bill:

"AN ACT TO ESTABLISH A FLATHEAD BASIN
COMMISSION TO COORDINATE MONITORING
OF THE QUALITY AND CONDITIONS OF FLATHEAD
BASIN; AND PROVIDING AN EFFECTIVE DATE."

Representatives:

Connelly
J. Brown
Lybeck
Mueller
Stella Jean Hansen
Kathleen McBride
Joe Hammond
Bob Ream
Waldron
Kados

Zabinski
Hannah

STATE OF MONTANA

REQUEST NO. 137-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 17, 1983, there is hereby submitted a Fiscal Note for Senate Bill 161 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

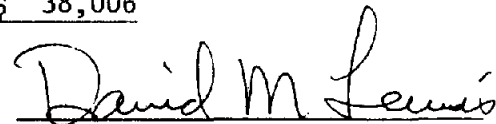
Senate Bill 161 establishes a Flathead Basin Commission to coordinate monitoring of the quality and conditions of Flathead Lake and the natural resources within the Flathead Basin.

ASSUMPTIONS:

- 1) Nine members of the 13-member commission will be reimbursed for travel costs for two meetings per year (average reimbursement per member per meeting = \$311).
- 2) The executive director will receive salary of \$11,260 and benefits of \$2,025 (one-third of a \$33,780/yr. salary).
- 3) There will be two full-time staff, an assistant (grade 14) and secretary (grade 10).
- 4) Two public hearings will be held each year at a cost of \$1,000 per hearing.
- 5) Approximately \$123,000 will be contributed during the biennium from federal agencies, local governments, and tribes to help fund the commission's activities.
- 6) Operating costs for the commission will increase 6% each year.

FISCAL IMPACT:

	<u>FY 1984</u>	<u>FY 1985</u>
Personal Services:		
Executive Director	\$ 13,285	\$ 13,985
Assistant	22,618	22,618
Secretary	16,415	16,415
	<u>\$ 52,318</u>	<u>\$ 52,318</u>
Operating Expenses:		
Commission member travel	\$ 5,600	\$ 5,936
Printing, Supplies, Phones,		
Staff Travel, Rent	22,000	22,000
Contracted Services for		
Consultants	7,500	7,950
Public Hearings Cost	2,000	2,120
	<u>\$ 37,100</u>	<u>\$ 38,006</u>

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-83

-2-

	<u>FY 1984</u>	<u>FY 1985</u>
Equipment:		
Office	\$ 10,000	\$ -0-
TOTAL	<u>\$ 99,418</u>	<u>\$ 68,324</u>
Funding:		
Contributions	\$ 76,918	\$ 45,824
State Funds	<u>22,500</u>	<u>22,500</u>
TOTAL	<u>\$ 99,418</u>	<u>\$ 68,324</u>

FISCAL NOTE 5:CC/2

SB161

Approved by Committee
on Natural Resources

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THE FLATHEAD BASIN; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Flathead Lake is the largest natural body of
fresh water in the continental United States west of the
Mississippi River and is a significant natural resource of
value statewide and in the Northwestern region of the United
States; and

WHEREAS, research undertaken as part of the Flathead
River basin environmental impact study demonstrates that the
quality of the Flathead Lake aquatic environment is
vulnerable to and affected by all forms of land use and
resource development within the Flathead basin; and

WHEREAS, even though the Flathead Lake aquatic
environment is of excellent quality, the cumulative impact

of a wide variety of resource development activities poses a
threat to the aquatic environment of the Flathead basin; and

WHEREAS, protection of this natural resource is
complicated by overlapping and potentially conflicting
international, state, provincial, tribal, and local
jurisdictional interests and responsibilities, which require
awareness, coordinated effort, shared responsibility, and
devotion to the naturalness of the basin by each land and
water management entity with responsibility in the basin.

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supply; recreational, scenic, and aesthetic values; and
fish, wildlife, and other organisms.

(2) "Commission" means the Flathead basin commission

1 established in [section 4].

2 (3) "Flathead basin" means all land and water areas
3 the water from which drains into Flathead Lake or its
4 tributaries.

5 Section 4. Flathead basin commission -- membership --
6 compensation. (1) There is a Flathead basin commission.

7 (2) The commission consists of ~~13~~ 14 members selected
8 as follows:

9 (a) four members appointed by the governor from
10 industrial, environmental, and other groups affected by
11 [this act], one of whom must be on the governor's staff and
12 who also serves as the executive director;

13 ~~(B) ONE MEMBER WHO SHALL BE THE COMMISSIONER OF STATE~~
14 ~~LANDS OR HIS DESIGNEE;~~

15 ~~(b)(C)~~ one member appointed by the Flathead County
16 commissioners;

17 ~~(e)(D)~~ one member appointed by the Lake County
18 commissioners;

19 ~~(d)(E)~~ one member appointed by the Confederated Salish
20 and Kootenai Tribes;

21 ~~(e)(F)~~ one member appointed by the United States
22 department of agriculture, forest service regional forester
23 for the northern region;

24 ~~(f)(G)~~ one member appointed by the United States
25 department of interior national park service, regional

1 director for the Rocky Mountain region;

2 ~~(g)(H)~~ four ex officio members appointed respectively
3 by the chief executive of the provincial government of the
4 Province of British Columbia, the regional administrator of
5 the United States environmental protection agency, the
6 administrator of the Bonneville Power Administration, and
7 the chief of engineers of the United States army corps of
8 engineers.

9 (3) The commissioners shall serve without pay.
10 Commissioners, ~~except-for-ex-officio--members~~ MENTIONED IN
11 SECTION 4(2)(A), EXCEPT THE COMMISSIONER ON THE GOVERNOR'S
12 STAFF, are entitled to reimbursement for travel, meals, and
13 lodging while engaged in commission business, as provided in
14 2-18-501 through 2-18-503.

15 (4) The commission is attached to the governor's
16 office for administrative purposes only.

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18 chairman -- vote. (1) The commission members shall serve
19 staggered 4-year terms.

20 (2) A majority of the membership, other than ex
21 officio members, constitutes a quorum of the commission.

22 (3) A vacancy on the commission must be filled in the
23 same manner as regular appointments, and the member so
24 appointed shall serve for the unexpired term to which he is
25 appointed.

(4) The commission shall select a chairman from among its members. The chairman may make motions and vote.

(5) A favorable vote of at least a majority of all members, except ex officio members, of the commission is required to adopt any resolution, motion, or other decision of the commission.

Section 6. Commission staff and office location. (1) The executive director of the commission shall be compensated on a pro rata basis from commission funds, calculated upon the time he is required by the governor to serve the commission.

(2) An office for the commission ~~must~~ MAY be established at a community located in the basin, and sufficient and appropriate staff must be assigned to serve the commission.

Section 7. Duties of the commission. Duties of the commission are:

(1) to monitor the existing condition of natural resources in the basin and coordinate development of an annual monitoring plan. This plan must involve a cooperative strategy among all land and water management agencies within the Flathead basin and identify proposed and needed monitoring which emphasizes but is not limited to the aquatic resources of the Flathead basin.

(2) to encourage close cooperation and coordination

between federal, state, provincial, tribal, and local resource managers for establishment of compatible resource development standards, comprehensive monitoring, and data collection and interpretation;

(3) to encourage and work for international cooperation and coordination between the state of Montana and the Province of British Columbia concerning the undertaking of natural resource monitoring and use of consistent standards for management of resource development activities throughout the North Fork Flathead River drainage portion of the Flathead basin;

(4) to encourage economic development and use of the basin's resources to their fullest extent without compromising the present high quality of the Flathead basin's aquatic environment;

(5) to ~~IN THE DISCRETION OF THE COMMISSION,~~ undertake investigations of resource utilization and hold public hearings concerning the condition of Flathead Lake and Flathead basin;

(6) to submit a biennial report to the governor and the appropriate committees of the legislature that includes:

(a) a summary of information gathered in fulfillment of its duties under this section;

(b) information on monitoring activities within the Flathead basin concerning the condition of the basin's

1 natural resources, with particular emphasis on Flathead
2 Lake;

3 (c) the identification of land use and land
4 development trends in the Flathead basin;

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6 appropriate for fulfillment of its duties and for continued
7 preservation of the Flathead basin in the present high
8 quality of its aquatic resources; and

9 (e) an accounting of all money received and expended,
10 by source and purpose, for the period since the last report;
11 and

12 (7) to meet at least semiannually within the Flathead
13 basin, alternating the meeting site between the cities of
14 Kalispell and Polson.

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16 may make recommendations to the legislature and the governor
17 and to federal, tribal, provincial, and local agencies for
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19 resources of the Flathead basin.

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21 commission may receive and expend donations, gifts, grants,
22 and other money necessary to fulfill its duties.

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25 Section 13. Effective date. This act is effective July

SB 0161/03

1 1, 1983.

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~~(b) ONE MEMBER WHO SHALL BE THE COMMISSIONER OF STATE LANDS OR HIS DESIGNEE;~~

~~(b)(1)~~ one member appointed by the Flathead County commissioners;

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6 appropriate for fulfillment of its duties and for continued
7 preservation of the Flathead basin in the present high
8 quality of its aquatic resources; and

9 (e) an accounting of all money received and expended,
10 by source and purpose, for the period since the last report;
11 and

12 (7) to meet at least semiannually within the Flathead
13 basin, alternating the meeting site between the cities of
14 Kalispell and Polson.

15 Section 8. Commission authority. (1) The commission
16 may make recommendations to the legislature and the governor
17 and to federal, tribal, provincial, and local agencies for
18 maintenance and enhancement of the quality of natural
19 resources of the Flathead basin.

20 (2) Subject to appropriation by the legislature, the
21 commission may receive and expend donations, gifts, grants,
22 and other money necessary to fulfill its duties.

23 Section 9. Establishment of account. There is
24 established in the federal and private revenue fund a
25 Flathead basin commission account. Money received by the

1 Flathead basin commission under [section 8] and such other
2 funds as are designated or appropriated for its use must be
3 deposited in the account.

4 Section 10. Special county government authority. The
5 governing body of any county within or bordering upon the
6 Flathead basin may allocate to the Flathead basin commission
7 a portion of any money available from coal severance tax
8 allocations or other sources and designated for planning
9 activities.

10 Section 11. Cooperation with other agencies and
11 organizations. To fulfill its duties, the commission shall
12 develop and maintain cooperative programs with federal,
13 state, provincial, tribal, and local agencies or
14 organizations that are responsible for natural resource
15 management and monitoring in the Flathead basin.
16 Participating federal and provincial agencies must be
17 requested to provide adequate funds to participate on the
18 commission and to monitor resources within their areas of
19 responsibility.

20 Section 12. Initial terms of commission members. Five
21 members of the original commission shall serve 2-year terms,
22 thereby establishing staggered terms. Those members serving
23 2-year terms must be selected by lot at the first commission
24 meeting.

25 Section 13. Effective date. This act is effective July

SB 0161/03

1 1, 1983.

-End-

HOUSE OF REPRESENTATIVES
March 7, 1983

Natural Resources Committee amendments to Senate Bill 161,
3rd Reading Copy as follows:

1. Page 3, line 7.

Strike: "14"

Insert: "15"

2. Page 4, line 2.

Strike: "four"

Insert: "five"

3. Page 4, line 6.

Strike: "and"

4. Page 4, line 8.

Following: "engineers"

Insert: ", and the holder of a license issued for the Flathead
Project under the Federal Power Act"

AND AS AMENDED
BE CONCURRED IN

SENATE BILL NO. 161

INTRODUCED BY TURNAGE, B. BROWN, ELLIOTT, HALLIGAN,
KEATING, MARBUT, HIMSL, MCCALLUM, NORMAN, STEPHENS,
DOVER, HAGER, SEVERSON, KOLSTAD, ECK, MOHAR, LANE,
H. HAMMOND, E. SMITH, GODDOVER, STORY, VAN YALKENBURG,
CONNELLY, J. BROWN, LYBECK, MUELLER, HANSEN, MCBRIDE,
J. HAMMOND, REAM, WALDRON, KADAS, ZABROCKI, HANNAH

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A FLATHEAD
BASIN COMMISSION TO COORDINATE MONITORING OF THE QUALITY AND
CONDITIONS OF FLATHEAD LAKE AND THE NATURAL RESOURCES WITHIN
THE FLATHEAD BASIN; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Flathead Lake is the largest natural body of
fresh water in the continental United States west of the
Mississippi River and is a significant natural resource of
value statewide and in the Northwestern region of the United
States; and

WHEREAS, research undertaken as part of the Flathead
River basin environmental impact study demonstrates that the
quality of the Flathead Lake aquatic environment is
vulnerable to and affected by all forms of land use and
resource development within the Flathead basin; and

WHEREAS, even though the Flathead Lake aquatic
environment is of excellent quality, the cumulative impact

of a wide variety of resource development activities poses a
threat to the aquatic environment of the Flathead basin; and
WHEREAS, protection of this natural resource is
complicated by overlapping and potentially conflicting
international, state, provincial, tribal, and local
jurisdictional interests and responsibilities, which require
awareness, coordinated effort, shared responsibility, and
devotion to the naturalness of the basin by each land and
water management entity with responsibility in the basin.

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

Section 1. Short title. [This act] may be cited as the
"Flathead Basin Commission Act of 1983".

Section 2. Purpose. The purpose of the Flathead basin
commission is to protect the existing high quality of the
Flathead Lake aquatic environment; the waters that flow
into, out of, or are tributary to the lake; and the natural
resources and environment of the Flathead basin.

Section 3. Definitions. As used in [this act], the
following definitions apply:

(1) "Aquatic resources" means all beneficial uses of
water, including but not limited to water quality and water
supply; recreational, scenic, and aesthetic values; and
fish, wildlife, and other organisms.

(2) "Commission" means the Flathead basin commission

1 established in [section 4].

2 (3) "Flathead basin" means all land and water areas
3 the water from which drains into Flathead Lake or its
4 tributaries.

5 Section 4. Flathead basin commission -- membership --
6 compensation. (1) There is a Flathead basin commission.

7 (2) The commission consists of ~~13~~ 15 members
8 selected as follows:

9 (a) four members appointed by the governor from
10 industrial, environmental, and other groups affected by
11 [this act], one of whom must be on the governor's staff and
12 who also serves as the executive director;

13 ~~(b) ONE MEMBER WHO SHALL BE THE COMMISSIONER OF STATE~~
14 ~~LANDS OR HIS DESIGNEE;~~

15 ~~(b)(C)~~ one member appointed by the Flathead County
16 commissioners;

17 ~~(c)(D)~~ one member appointed by the Lake County
18 commissioners;

19 ~~(d)(E)~~ one member appointed by the Confederated Salish
20 and Kootenai Tribes;

21 ~~(e)(F)~~ one member appointed by the United States
22 department of agriculture, forest service regional forester
23 for the northern region;

24 ~~(f)(G)~~ one member appointed by the United States
25 department of interior national park service, regional

1 director for the Rocky Mountain region;

2 ~~(g)(H)~~ four FIVE ex officio members appointed
3 respectively by the chief executive of the provincial
4 government of the Province of British Columbia, the regional
5 administrator of the United States environmental protection
6 agency, the administrator of the Bonneville Power
7 Administration, and the chief of engineers of the United
8 States army corps of engineers, AND THE HOLDER OF A LICENSE
9 ISSUED FOR THE FLATHEAD PROJECT UNDER THE FEDERAL POWER ACT.

10 (3) The commissioners shall serve without pay.
11 Commissioners, ~~except-for-ex-officio--members~~ MENTIONED IN
12 SECTION 4(2)(A), EXCEPT THE COMMISSIONER ON THE GOVERNOR'S
13 STAFF, are entitled to reimbursement for travel, meals, and
14 lodging while engaged in commission business, as provided in
15 2-18-501 through 2-18-503.

16 (4) The commission is attached to the governor's
17 office for administrative purposes only.

18 Section 5. Term of appointment -- quorum -- vacancy --
19 chairman -- vote. (1) The commission members shall serve
20 staggered 4-year terms.

21 (2) A majority of the membership, other than ex
22 officio members, constitutes a quorum of the commission.

23 (3) A vacancy on the commission must be filled in the
24 same manner as regular appointments, and the member so
25 appointed shall serve for the unexpired term to which he is

1 appointed.

2 (4) The commission shall select a chairman from among
3 its members. The chairman may make motions and vote.

4 (5) A favorable vote of at least a majority of all
5 members, except ex officio members, of the commission is
6 required to adopt any resolution, motion, or other decision
7 of the commission.

8 Section 6. Commission staff and office location. (1)
9 The executive director of the commission shall be
10 compensated on a pro rata basis from commission funds,
11 calculated upon the time he is required by the governor to
12 serve the commission.

13 (2) An office for the commission ~~must~~ MAY be
14 established at a community located in the basin, and
15 sufficient and appropriate staff must be assigned to serve
16 the commission.

17 Section 7. Duties of the commission. Duties of the
18 commission are:

19 (1) to monitor the existing condition of natural
20 resources in the basin and coordinate development of an
21 annual monitoring plan. This plan must involve a cooperative
22 strategy among all land and water management agencies within
23 the Flathead basin and identify proposed and needed
24 monitoring which emphasizes but is not limited to the
25 aquatic resources of the Flathead basin.

1 (2) to encourage close cooperation and coordination
2 between federal, state, provincial, tribal, and local
3 resource managers for establishment of compatible resource
4 development standards, comprehensive monitoring, and data
5 collection and interpretation;

6 (3) to encourage and work for international
7 cooperation and coordination between the state of Montana
8 and the Province of British Columbia concerning the
9 undertaking of natural resource monitoring and use of
10 consistent standards for management of resource development
11 activities throughout the North Fork Flathead River drainage
12 portion of the Flathead basin;

13 (4) to encourage economic development and use of the
14 basin's resources to their fullest extent without
15 compromising the present high quality of the Flathead
16 basin's aquatic environment;

17 (5) to, ~~IN THE DISCRETION OF THE COMMISSION,~~ undertake
18 investigations of resource utilization and hold public
19 hearings concerning the condition of Flathead Lake and
20 Flathead basin;

21 (6) to submit a biennial report to the governor and
22 the appropriate committees of the legislature that includes:

23 (a) a summary of information gathered in fulfillment
24 of its duties under this section;

25 (b) information on monitoring activities within the

1 Flathead basin concerning the condition of the basin's
2 natural resources, with particular emphasis on Flathead
3 Lake;

4 (c) the identification of land use and land
5 development trends in the Flathead basin;

6 (d) any recommendations the commission considers
7 appropriate for fulfillment of its duties and for continued
8 preservation of the Flathead basin in the present high
9 quality of its aquatic resources; and

10 (e) an accounting of all money received and expended,
11 by source and purpose, for the period since the last report;
12 and

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15 Kalispell and Polson.

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SB 0161/04

1 Section 13. Effective date. This act is effective July
2 1, 1983.

-End-