

SENATE BILL NO. 386

INTRODUCED BY GALT, STORY, BENGTSON, STIMATZ

BY REQUEST OF THE GOVERNOR

IN THE SENATE

FEBRUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
MARCH 11, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 15, 1989	PASSED CONSIDERATION FOR THE DAY.
MARCH 16, 1989	SECOND READING, CONCURRED IN.
MARCH 17, 1989	THIRD READING, CONCURRED IN. AYES, 83; NOES, 14. RETURNED TO SENATE.

IN THE SENATE

MARCH 18, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *386*
2 INTRODUCED BY *Adm. Strick Roughton Stumay*
3 BY REQUEST OF THE GOVERNOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE
6 LEGISLATURE OR THE GOVERNOR TO REVISE THE STATE WATER PLAN;
7 AND AMENDING SECTION 85-1-203, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 85-1-203, MCA, is amended to read:

11 **"85-1-203. State water plan.** (1) The department shall
12 gather from any source reliable information relating to
13 Montana's water resources and prepare ~~therefrom~~ from the
14 information a continuing comprehensive inventory of the
15 water resources of the state. In preparing this inventory,
16 the department may conduct studies; adopt studies made by
17 other competent water resource groups, including federal,
18 regional, state, or private agencies; perform research or
19 employ other competent agencies to perform research on a
20 contract basis; and hold public hearings in affected areas
21 at which all interested parties ~~shall~~ must be given an
22 opportunity to appear.

23 (2) The department shall formulate and, with the
24 approval of the board, adopt and ~~from time to time~~ amend,
25 extend, or add to a comprehensive, coordinated multiple-use

1 water resources plan known as the "state water plan". The
2 state water plan may be formulated and adopted in sections,
3 these sections corresponding with hydrologic divisions of
4 the state. The state water plan ~~shall~~ must set out a
5 progressive program for the conservation, development, and
6 utilization of the state's water resources and propose the
7 most effective means by which these water resources may be
8 applied for the benefit of the people, with due
9 consideration of alternative uses and combinations of uses.
10 Before ~~adoption of~~ adopting the state water plan or any
11 section ~~thereof~~ of the plan, the department shall hold
12 public hearings in the state or in an area of the state
13 encompassed by a section ~~thereof~~ of the plan if adoption of
14 a section is proposed. Notice of the hearing or hearings
15 ~~shall~~ must be published for 2 consecutive weeks in a
16 newspaper of general county circulation in each county
17 encompassed by the proposed plan or section ~~thereof~~ of the
18 plan at least 30 days prior to the hearing.

19 (3) The department shall submit to the water policy
20 committee established in 85-2-105 and to the legislature at
21 the beginning of each general regular session of--the
22 legislature the state water plan or any section thereof of
23 the plan or amendments, additions, or revisions thereto
24 which to the plan that the department has formulated and
25 adopted.

1 (4) Either the legislature, by joint resolution, or the
2 governor may revise the state water plan that, with the
3 approval of the board, is adopted by the department.

4 (5) The department shall prepare a continuing inventory
5 of the groundwater resources of the state. The groundwater
6 inventory ~~shall~~ must be included in the comprehensive water
7 resources inventory described in subsection (1) above but
8 ~~shall~~ must be a separate component ~~thereof of the inventory.~~

9 (5)(6) The department shall publish the comprehensive
10 inventory, the state water plan, the groundwater inventory,
11 or any part of each, and the department may assess and
12 collect a reasonable charge for these publications.

13 (6)(7) In developing and revising the state water plan
14 as provided in this section, the department shall consult
15 with the water policy committee established in 85-2-105 and
16 solicit the advice of the committee in carrying out its
17 duties under this section."

18 NEW SECTION. Section 2. Extension of authority. Any
19 existing authority to make rules on the subject of the
20 provisions of [this act] is extended to the provisions of
21 [this act].

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

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gather from any source reliable information relating to
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the department may conduct studies; adopt studies made by
other competent water resource groups, including federal,
regional, state, or private agencies; perform research or
employ other competent agencies to perform research on a
contract basis; and hold public hearings in affected areas
at which all interested parties ~~shall~~ must be given an
opportunity to appear.

(2) The department shall formulate and, with the
approval of the board, adopt and ~~from-time-to-time~~ amend,
extend, or add to a comprehensive, coordinated multiple-use

water resources plan known as the "state water plan". The
state water plan may be formulated and adopted in sections,
these sections corresponding with hydrologic divisions of
the state. The state water plan ~~shall~~ must set out a
progressive program for the conservation, development, and
utilization of the state's water resources and propose the
most effective means by which these water resources may be
applied for the benefit of the people, with due
consideration of alternative uses and combinations of uses.
Before ~~adoption-of~~ adopting the state water plan or any
section ~~thereof~~ of the plan, the department shall hold
public hearings in the state or in an area of the state
encompassed by a section ~~thereof~~ of the plan if adoption of
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encompassed by the proposed plan or section ~~thereof~~ of the
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(3) The department shall submit to the water policy
committee established in 85-2-105 and to the legislature at
the beginning of each general regular session of--the
legislature the state water plan or any section ~~thereof~~ of
the plan or amendments, additions, or revisions ~~thereto~~
which to the plan that the department has formulated and
adopted.

1 (4) Either the legislature, by joint resolution, or the
2 governor may revise the state water plan that, with the
3 approval of the board, is adopted by the department.

4 (5) The department shall prepare a continuing inventory
5 of the groundwater resources of the state. The groundwater
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7 resources inventory described in subsection (1) ~~above~~ but
8 ~~shall~~ must be a separate component ~~thereof~~ of the inventory.

9 ~~(5)}~~(6) The department shall publish the comprehensive
10 inventory, the state water plan, the groundwater inventory,
11 or any part of each, and the department may assess and
12 collect a reasonable charge for these publications.

13 ~~(6)}~~(7) In developing and revising the state water plan
14 as provided in this section, the department shall consult
15 with the water policy committee established in 85-2-105 and
16 solicit the advice of the committee in carrying out its
17 duties under this section."

18 NEW SECTION. **Section 2.** Extension of authority. Any
19 existing authority to make rules on the subject of the
20 provisions of [this act] is extended to the provisions of
21 [this act].

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(2) The department shall formulate and, with the
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19 NEW SECTION. **Section 2.** Extension of authority. Any
20 existing authority to make rules on the subject of the
21 provisions of [this act] is extended to the provisions of
22 [this act].

-End-

STANDING COMMITTEE REPORT

March 11, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 386 (third reading copy -- blue) be concurred in.

Signed: Bob Bachini
Bob Bachini, Chairman

[REP. IVERSON WILL CARRY THIS BILL ON THE HOUSE FLOOR]

HOUSE

SB 386

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