

1 SENATE BILL NO. 72

2 INTRODUCED BY MESAROS, COCCHIARELLA, ORR, GROSFIELD, DOHERTY, KNOX, RYAN, BROOKE
3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT FORMALIZING THE OPERATION OF THE WATER INFORMATION
6 SYSTEM WITHIN THE NATURAL RESOURCE INFORMATION SYSTEM AT THE STATE LIBRARY; AND
7 AMENDING SECTIONS 85-2-105, 85-2-112, AND 90-15-303, MCA."

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

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11 **Section 1.** Section 85-2-105, MCA, is amended to read:

12 **"85-2-105. Environmental quality council -- water policy duties.** (1) The environmental quality
13 council shall meet as often as necessary, including during the interim between sessions, to perform the
14 duties specified within this section.

15 (2) On a continuing basis, the environmental quality council shall:

16 (a) advise the legislature on the adequacy of the state's water policy and on important state,
17 regional, national, and international developments that affect Montana's water resources;

18 (b) oversee the policies and activities of the department, other state executive agencies, and other
19 state institutions as those policies and activities affect the water resources of the state; and

20 (c) communicate with the public on matters of water policy as well as the water resources of the
21 state.

22 (3) On a regular basis, the environmental quality council shall:

23 (a) analyze and comment on the state water plan required by 85-1-203, when filed by the
24 department;

25 (b) analyze and comment on the report of the status of the state's renewable resource grant and
26 loan program required by 85-1-621, when filed by the department;

27 (c) analyze and comment on water-related research undertaken by any state agency, institution,
28 college, or university;

29 (d) analyze, verify, and comment on the adequacy of and information contained in the water
30 ~~resources data management information~~ system maintained by the ~~department~~ natural resource information

1 system under ~~85-2-112~~ [section 3]; and

2 (e) report to the legislature as provided in 5-11-210.

3 (4) The legislative services division shall provide staff assistance to the environmental quality
4 council to carry out its water policy duties."

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6 **Section 2.** Section 85-2-112, MCA, is amended to read:

7 "**85-2-112. Department duties.** The department shall:

8 (1) enforce and administer this chapter and rules adopted under 85-2-113, subject to the powers
9 and duties of the supreme court under 3-7-204;

10 (2) prescribe procedures, forms, and requirements for applications, permits, certificates, claims of
11 existing rights, and proceedings under this chapter and prescribe the information to be contained in any
12 application, claim of existing right, or other document to be filed with the department under this chapter
13 not inconsistent with the requirements of this chapter;

14 (3) establish and keep in its Helena office a centralized record system of all existing rights and a
15 public record of permits, certificates, claims of existing rights, applications, and other documents filed in
16 its office under this chapter;

17 ~~(4) in cooperation with other state agencies, institutions, colleges, and universities, establish and~~
18 ~~maintain a centralized and efficient water resources data management system sufficient to make available~~
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20 ~~the state's water resources, out-of-state water resources that affect the state, existing and potential uses,~~
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22 ~~cooperate with the department in the development and maintenance of this system.~~

23 ~~(5)~~(4) cooperate with, assist, advise, and coordinate plans and activities with the federal, state,
24 and local agencies in matters relating to this chapter;

25 ~~(6)~~(5) upon request by any person, cooperate with, assist, and advise that person in matters
26 pertaining to measuring water or filing claims of existing rights with a district court under this chapter;

27 ~~(7)~~(6) adopt rules necessary to reject, modify, or condition permit applications in highly
28 appropriated basins or subbasins as provided in 85-2-319."

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30 **NEW SECTION. Section 3. Water information system.** (1) There is a Montana water information

1 system, to be operated within the natural resource information system referred to in 90-15-301 and that
2 is to be considered a part of the system.

3 (2) The Montana water information system shall make available and readily accessible, in a usable
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9 **"90-15-303. Interagency cooperation.** (1) State agencies shall cooperate with the library and the
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17 **NEW SECTION. Section 5. Codification instruction.** [Section 3] is intended to be codified as an
18 integral part of Title 90, chapter 15, part 3, and the provisions of Title 90, chapter 15, part 3, apply to
19 [section 3].

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0072, as introduced

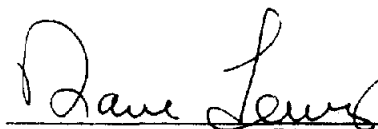
DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled, "An act for formalizing the operation of the Water Information System within the Natural Resource Information System at the State Library, and amending sections 85-2-112 which enacts this act, and 90-15-303 to include the Natural Resource Information System in interagency cooperation.

ASSUMPTIONS:

1. The Natural Resource Information System, at the Montana State Library has been providing the water information system since the program was created. This legislation clarifies the language as to who is actually providing the service.
2. Functions of the Environmental Quality Council, in the Committees & Activities Program, would not be substantially altered or increased by requirements of this bill.
3. The Environmental Quality Council could complete duties specified in the revised section within current funding levels.
4. There is no fiscal impact to Department of Natural Resources.

FISCAL IMPACT: No Fiscal Impact - This system is a part of the NRIS present law budget.

 1-7-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-7-97
KENNETH MESAROS, PRIMARY SPONSOR DATE

Fiscal Note for SB0072, as introduced

SB 72

APPROVED BY COM ON
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3 (4) The legislative services division shall provide staff assistance to the environmental quality
4 council to carry out its water policy duties."

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7 "**85-2-112. Department duties.** The department shall:

8 (1) enforce and administer this chapter and rules adopted under 85-2-113, subject to the powers
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25 ~~(6)~~(5) upon request by any person, cooperate with, assist, and advise that person in matters
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9 **"90-15-303. Interagency cooperation.** (1) State agencies shall cooperate with the library and the
10 committee in the planning of the natural resource information system.

11 (2) Within the limits of available resources, state agencies shall provide data requested by the
12 library for purposes of the natural resource information system and the Montana natural heritage program.
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17 **NEW SECTION. Section 5. Codification instruction.** [Section 3] is intended to be codified as an
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"85-2-105. Environmental quality council -- water policy duties. (1) The environmental quality
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duties specified within this section.

(2) On a continuing basis, the environmental quality council shall:

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(b) oversee the policies and activities of the department, other state executive agencies, and other
state institutions as those policies and activities affect the water resources of the state; and

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state.

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(a) analyze and comment on the state water plan required by 85-1-203, when filed by the
department;

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(d) analyze, verify, and comment on the adequacy of and information contained in the water
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2 (e) report to the legislature as provided in 5-11-210.

3 (4) The legislative services division shall provide staff assistance to the environmental quality
4 council to carry out its water policy duties."

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6 **Section 2.** Section 85-2-112, MCA, is amended to read:

7 "**85-2-112. Department duties.** The department shall:

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9 and duties of the supreme court under 3-7-204;

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