

FBC Enabling Legislation

Montana Code Annotated, 2011

75-7-301. Short title. This part may be cited as the "Flathead Basin Commission Act of 1983".

History: En. Sec. 1, Ch. 424, L. 1983.

75-7-302. 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.

History: En. Sec. 2, Ch. 424, L. 1983.

75-7-303. Definitions. As used in this part, 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 [2-15-3330](#).

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

History: En. Sec. 3, Ch. 424, L. 1983; amd. Sec. 2, Ch. 537, L. 2003.

75-7-304. 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 to the governor and, as provided in [5-11-210](#), to the legislature a biennial report 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 natural resources, with particular emphasis on Flathead Lake;
- (c) the identification of land use and land development trends in the Flathead basin;
- (d) any recommendations the commission considers appropriate for fulfillment of its duties and for continued preservation of the Flathead basin in the present high quality of its aquatic resources; and
- (e) an accounting of all money received and expended, by source and purpose, for the period since the last report; and

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

History: En. Sec. 7, Ch. 424, L. 1983; amd. Sec. 49, Ch. 112, L. 1991.

75-7-305. Commission authority. (1) The commission may make recommendations to the legislature and the governor and to federal, tribal, provincial, and local agencies for maintenance and enhancement of the quality of natural resources of the Flathead basin.

(2) The commission may receive and expend donations, gifts, grants, and other money necessary to fulfill its duties.

History: En. Sec. 8, Ch. 424, L. 1983; amd. Sec. 1, Ch. 244, L. 1985; amd. Sec. 9, Ch. 628, L. 1989.

75-7-306. Repealed. Sec. 3, Ch. 243, L. 1999.

History: En. Sec. 9, Ch. 424, L. 1983; amd. Sec. 48, Ch. 281, L. 1983; amd. Sec. 7, Ch. 700, L. 1989.

75-7-307. Special county government authority. The governing body of any county within or bordering upon the Flathead basin may allocate to the Flathead basin commission a portion of any money available from coal severance tax allocations or other sources and designated for planning activities.

History: En. Sec. 10, Ch. 424, L. 1983.

75-7-308. Cooperation with other agencies and organizations. To fulfill its duties, the commission shall develop and maintain cooperative programs with federal, state, provincial, tribal, and local agencies or organizations that are responsible for natural resource management and monitoring in the Flathead basin. Participating federal and provincial agencies must be requested to provide adequate funds to participate on the commission and to monitor resources within their areas of responsibility.

History: En. Sec. 11, Ch. 424, L. 1983.

2-15-3330. Flathead basin commission -- membership -- compensation. (1) There is a Flathead basin commission.

(2) The commission consists of 23 members selected as follows:

- (a) seven members appointed by the governor from industrial, environmental, and

other interests affected by Title 75, chapter 7, part 3, one of whom must be on the governor's staff;

(b) one member, appointed by the director of the department of natural resources and conservation, representing the northwestern land office of the department of natural resources and conservation;

(c) one member appointed by the Flathead County commissioners;

(d) one member appointed by the Lake County commissioners;

(e) one member appointed by the Confederated Salish and Kootenai Tribes;

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

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

(h) one member appointed by the Flathead County conservation district board of supervisors;

(i) one member appointed by the Lake County conservation district board of supervisors;

(j) five ex officio members appointed respectively by the chief executive of the provincial government of the Province of British Columbia; the regional administrator of the United States environmental protection agency; the regional administrator of the United States department of the interior, bureau of reclamation; a representative of the Bonneville power administration; and the holder of a license issued for the Flathead project under the Federal Power Act;

(k) three ex officio members who are the director of the department of natural resources and conservation, the director of the department of environmental quality, and the director of the department of fish, wildlife, and parks or their designees.

(3) The commissioners shall serve without pay. The commissioners listed in subsection (2)(a), except the commissioner on the governor's staff, are entitled to reimbursement for travel, meals, and lodging while engaged in commission business, as provided in [2-18-501](#) through [2-18-503](#).

(4) The commission is attached to the department of natural resources and conservation for administrative purposes only.

History: En. Sec. 4, Ch. 424, L. 1983; amd. Sec. 1, Ch. 95, L. 1985; amd. Sec. 1, Ch. 176, L. 1989; amd. Sec. 5, Ch. 418, L. 1995; amd. Sec. 1, Ch. 451, L. 1997; amd. Sec. 1, Ch. 243, L. 1999; amd. Sec. 1, Ch. 537, L. 2003; Sec. [2-15-213](#), MCA 2001; redes. [2-15-3330](#) by Sec. 2, Ch. 537, L. 2003; amd. Sec. 1, Ch. 387, L. 2005.

2-15-3331. Flathead basin commission. (1) The commission members shall serve staggered 4-year terms.

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

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

(4) The commission shall select a presiding officer from among its members. The presiding officer 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.

History: En. Sec. 5, Ch. 424, L. 1983; Sec. [2-15-214](#), MCA 2001; redes. [2-15-3331](#) by Sec. 2, Ch. 537, L. 2003; amd. Sec. 94, Ch. 61, L. 2007.

2-15-3332. Flathead basin commission staff and office location. (1) The commission may hire staff for the purpose of carrying out its duties.

(2) An office for the commission may be established at a community located in the basin.

History: En. Sec. 6, Ch. 424, L. 1983; amd. Sec. 2, Ch. 243, L. 1999; Sec. [2-15-215](#), MCA 2001; redes. [2-15-3332](#) by Sec. 2, Ch. 537, L. 2003.