



Montana Legislative Services Division
Legislative Environmental Policy Office

To: WPIC and EQC members
From: Joe Kolman and Todd Everts
Re: Water Policy Jurisdiction
Date: Aug. 4, 2008

Legislators,

At the July meeting of the EQC/WPIC subcommittee, members asked staff to provide bill drafts depicting how water policy issues would be handled by a separate water policy committee and by a subcommittee of the EQC. Staff also was asked to provide a list of water-related duties.

The bill drafts are attached. Included below are the duties, but also some other issues related to the options..

The next meeting of the subcommittee is scheduled for 5:15 p.m. Aug. 12 in Room 152 of the capitol. This coincides with a WPIC meeting. Telephone arrangements can be made for EQC members.

LC5017 - Creating a separate water policy committee

Duties: This would transfer statutorily delegated water issues from the EQC to the WPIC. This includes rule review, draft legislation review, program evaluation, and monitoring of the executive branch for the DNRC, the DEQ, and the FWP. Other duties transferred to the WPIC would include:

- * Review the state water plan.
- * Review the Renewable Resource Grant and Loan Program of DNRC.
- * Analyze water-related research.
- * Analyze the water information system maintained by NRIS.
- * Review water adjudication reports.
- * Receive reports from the Clark Fork River Basin Task Force.
- * Receive reports on water leasing from the FWP.

The WPIC also would undertake any studies related to water passed by the Legislature.

Issues:

* Instead of appearing before one committee (EQC) for agency oversight, the DNRC, the FWP and the DEQ would be subject to review by two committees. The committees would be responsible for deciding what is a water issue and what is not. For example, this interim the opencut mining program has been discussed by both the EQC and the WPIC.

* Non-legislative members may serve on subcommittee, but including non-legislative members on the WPIC would require additional legislation.

Staff: Either a separate committee or an EQC subcommittee would have one research analyst. However, a separate committee would require its own attorney and secretary. (A subcommittee of

the EQC would use Mr. Everts, who serves as the EQC legal counsel. A subcommittee may not always need a secretary).

Funding: A separate committee would require additional funding. The current WPIC is on track to spend \$65,000. It will have held 10 meetings, including hearings in Dillon, Bozeman, Thompson Falls, Choteau and Hamilton.

LC5018 - Creating a statutory subcommittee of the EQC.

Duties: The duties outlined above would be assigned to a subcommittee of the EQC, which would be comprised of at least some EQC members and would report to the EQC at each meeting.

Issues:

* Membership of the subcommittee could vary in size and representation. Members may be all members of the EQC, or may include members of other interim committees or legislators not assigned to another committee. Public members also may be allowed.

* Statute requires that when EQC members are appointed, consideration be given to their ability to analyze and interpret environmental trends and information of all kinds, appraise programs and activities of the state government in the light of the policy set forth in the Montana Environmental Policy Act, be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the state, and formulate and recommend state policies to promote the improvement of the quality of the environment.

* EQC members are limited to six years - three interims - on the council.

Staff: Possibly a secretary.

Funding:

* A subcommittee meeting in conjunction with EQC and using only EQC members would likely require no additional funding.

* A subcommittee that included non EQC members and traveled would require additional funding, although Helena meetings would likely be held in conjunction with EQC meetings. For example, the Split Estate subcommittee of the 2005-06 EQC met nine times, including meetings in Havre, Sidney, and Sheridan, Wyo. That subcommittee had a \$50,000 budget and included six EQC members and six public members.