



Montana Legislative Services Division
Legislative Environmental Policy Office

May 27, 2008

TO: EQC-WPIC Subcommittee on Legislative Water Policy Administration
FR: Todd Everts & Joe Kolman, Legislative Staff
RE: Administration Options for Legislative Water Policy Development

The EQC and the WPIC have formed a joint subcommittee on Legislative Water Policy Administration for the purpose of developing some administrative options regarding the Montana Legislature's development of water policy. This joint subcommittee will meet June 10, 2008, at 5:15 p.m. in room 152 of the State Capitol. The purpose of this memorandum is to provide the joint subcommittee members with the following information:

- ✓ Historical Context for Water Policy Development
- ✓ Administrative Criteria
- ✓ Administrative Options

Historical Context for Water Policy Development

As you might imagine, the Montana Legislature has been intensely involved in water policy issues since statehood. An exhaustive review of water policy development dating back to 1889 will be left for another date and time. For purposes of this memorandum, a detailed historical review of legislative water policy development is attached. (See Appendix A (EQC, 1971 - present), Appendix B (Water Policy Committee, 1985 - 1995), and Appendix C (Water Policy Interim Committee, 2007 - July 1, 2009)).

Administrative Criteria

When developing and adopting legislative administrative options for any policy subject area including, in this case, water policy, there are certain key criteria that should be taken into consideration in order to ensure that the administrative outcome is successful. Those criteria include:

- ✓ Resource Efficiency/Allocation/Cost:
 1. Committee costs in terms of legislator (time, travel, salary), legislative staff workload (research staff, secretarial support, and IT support), and executive branch staff workload.
 2. Efficient use of legislator, legislative staff, and executive branch resources.

- ✓ Committee Jurisdictional Boundaries:
 1. Clearly defining administrative jurisdiction boundaries eliminates duplication of effort issues with legislators, legislative staff, executive branch staff, and the public.
 2. Water quality and quantity issues impact almost every conceivable natural resource and environmental issue that comes before the Legislature. Delineating water policy jurisdictional boundaries is feasible but will take some thought.
- ✓ Legislator Workload
- ✓ Development of Legislator Subject Matter Expertise
- ✓ Public Involvement

Administrative Options

Option A: *Status Quo or "Do Nothing" Option*

The WPIC would complete its statutorily assigned tasks and terminate on July 1, 2009. The EQC would continue to implement its statutory water policy functions.

Option B: *Eliminate the WPIC's termination date and make the WPIC permanent.*

The WPIC would become a permanent interim committee. The EQC and the WPIC would have to coordinate efforts. Items to think about include:

1. Membership of the WPIC and EQC.
2. Administrative jurisdictional issues including subject matter jurisdiction and agency oversight assignments.
3. Resource allocation for new standing committee.

Option C: *Maintain water policy development authority within EQC and allow EQC the discretion to establish a Water Policy Subcommittee*

Items to think about include:

1. Membership of the EQC and elimination of EQC term limits.
2. Resource allocation.

Option D: *Maintain water policy development authority within EQC and statutory create a standing water policy subcommittee of the EQC.*

1. Membership of the EQC and the Water Policy Subcommittee.
2. Elimination of EQC term limits.
3. Resource allocation.

Option E: *Assign water policy development authority to another interim committee.*

1. Administrative jurisdictional issues including subject matter jurisdiction and agency oversight assignments.
2. Resource allocation.

Option F: *Subcommittee generated options.*