

# Montana State Legislature

**2015 SESSION**

## **ADDITIONAL DOCUMENTS**

**Business Page**

**[Signed by Chairman]**

**Roll Call**

**Standing Committee Reports**

**Tabled Bills**

**Fiscal Reports**

**Rolls Call Votes**

**Proxy Forms**

**Visitor Registrations**

**\*Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

**\*Witness Statements that were not presented as exhibits.**

**Montana Historical Society Archives**

**225 N. Roberts**

**Helena MT 59620-1201**

**2015 Legislative**

**E-Document Specialist Susie Hamilton**

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
64th LEGISLATURE - REGULAR SESSION**

**HOUSE NATURAL RESOURCES COMMITTEE**

**Date:** Friday, February 6, 2015  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 172

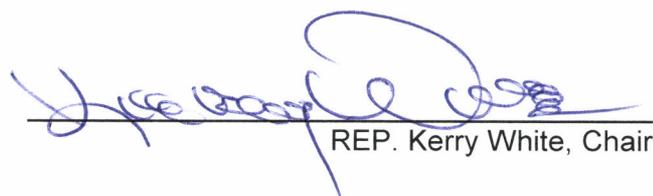
**BILLS and RESOLUTIONS HEARD:**

HB 352 - Prohibit outfitting on state lands inaccessible to public - Rep. Tom Jacobson  
SB 82 - Expand water policy interim committee duties - Sen. Bradley Hamlett

**EXECUTIVE ACTION TAKEN:**

HB 270 Do Pass

**Comments:**

  
\_\_\_\_\_  
REP. Kerry White, Chair



*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES

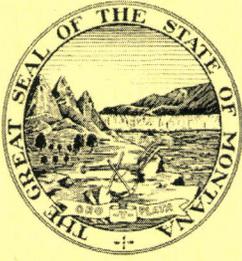
NAT. RESOURCES COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ED LIESER, VICE CHAIRMAN	✓	
REP. JERRY BENNETT	✓	
REP. BOB BROWN	✓	
REP. ZACH BROWN		✓
REP. VIRGINIA COURT		✓
REP. MARY ANN DUNWELL	✓	
REP. STEVE FITZPATRICK, VICE CHAIRMAN		✓
REP. KELLY FLYNN	✓	
REP. THERESA MANZELLA	✓	
REP. NATE MCCONNELL	✓	
REP. DALE MORTENSEN	✓	
REP. MARK NOLAND	✓	
REP. ANDREA OLSEN	✓	
REP. KEITH REGIER		✓
REP. RAY SHAW	✓	
REP. SCOTT STAFFANSON	✓	
REP. KATHLEEN WILLIAMS		✓
REP. KERRY WHITE, CHAIR	✓	

18 MEMBERS





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# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Ed Lieser

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT	AYE	NO
HB 270	X	

BILL/AMENDMENT	AYE	NO

Rep. [Signature]  
(Signature)

Date 2-6-15









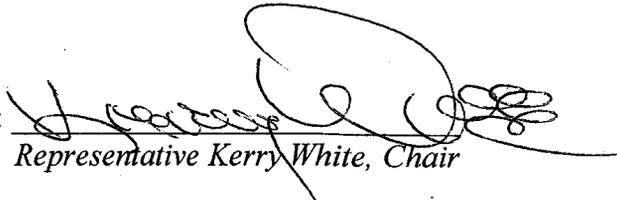
**HOUSE STANDING COMMITTEE REPORT**

**February 6, 2015**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 270** (first reading copy -  
- white) **do pass**.

Signed: 

*Representative Kerry White, Chair*

- END -

**Committee Vote:**

**Yes 17, No 1**

Fiscal Note Required

HB0270001SC.hbb

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2/6/15  
475

**MONTANA House of Representatives  
Visitors Register  
HOUSE NATURAL RESOURCES COMMITTEE**

Friday, February 6, 2015

HB 352 - Prohibit outfitting on state lands inaccessible to public

Sponsor: Rep. Tom Jacobson

PLEASE PRINT

Name	Representing	Support	Oppose	Info
George Golie	MWF	<input checked="" type="checkbox"/>		
ERIK SOMERFELD		<input checked="" type="checkbox"/>		
Jean Johnson	MOGA		<input checked="" type="checkbox"/>	
Nicole Rolf	MEBF		<input checked="" type="checkbox"/>	
Shelby DeMars	United Property Owners of MT		<input checked="" type="checkbox"/>	
Rod Bullis	Bitterroot valley Handsmen association	<input checked="" type="checkbox"/>		
Bill Geer	Montana Wildlife Federation	<input checked="" type="checkbox"/>		
Shawn Thomas	DNR			<input checked="" type="checkbox"/>
KEVIN CHIATELL	DNR			<input checked="" type="checkbox"/>
Stan Frasier	Helena Hunters	<input checked="" type="checkbox"/>		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

x

WOMAN

Jean Johnson



WATER POLICY INTERIM COMMITTEE - 2013-2014

# Water-Related Agency Oversight, Program Review, & Draft Legislation

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History and Considerations

Joe Kolman, Environmental Policy Office

10/14/2014

# History of EQC and WPIC

In September, the WPIC asked staff to draft a bill transferring water-related statutory authority from the Environmental Quality Council to the WPIC. The bill draft is attached, but to add some context a brief historical overview of the EQC and the WPIC also is attached.

## ***Environmental Quality Council***

The EQC was created in 1971 to develop environmental and natural resource policy, generate environmental and natural resource information, and oversee the state's environmental and natural resource programs.

"The EQC has an important role in maintaining a policy overview of state programs with environmental consequences to assure that state environmental policy is consistently observed," wrote Rep. George Darrow, the first chairman of the EQC in a 1971 report. "It also fulfills the urgent need for a mechanism within state government to better coordinate and integrate the various environmental programs of state agencies already in existence.

"In the past, environmental problems have often been dealt with in a piecemeal manner because of the lack of such a mechanism."

The EQC has broad authority to study and investigate any issue related to the environment and natural resources. The EQC may consult with representatives of science, industry, agriculture, labor, conservation organizations, educational institutions, local governments, and other groups. It is also charged with utilizing to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations and individuals in order that duplication of effort and expense may be avoided. Such efforts are meant to ensure that the council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.<sup>1</sup>

The topics of water, energy, and fire have all been major parts of the EQC realm over the last four decades. And each topic has been removed from the EQC jurisdiction by the Legislature. The creation of new committees is often sparked by headline-grabbing events.

## ***Water Policy***

Interim jurisdiction over water policy has gone back and forth through the years. From the creation of the EQC, water policy was the domain of the council. In the early 1980s, a major debate surrounded marketing of Montana water, including out-of-state use in coal slurry operations. Out of a contentious 1983 session was born the Select Committee on Water Marketing. The EQC provided staff. Among other recommendations the committee made to the 1985 Legislature was a request to establish a permanent water policy committee.

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<sup>1</sup> Section 75-1-313, MCA

Ten years later, in a massive restructuring and organization of the legislative branch, the Legislature eliminated the water committee and its duties were assigned to the EQC. Concurrently, the membership of the EQC was increased from 13 members to 17. Over the next 12 years, the EQC regularly established a water policy subcommittee.

But between 2005 and 2007, several events led to the creation of a temporary Water Policy Interim Committee. In 2005, the Legislature approved a measure to rejuvenate water rights adjudication. In 2006, the state Supreme Court issued a major ruling on regarding the connection of groundwater and surface water. The 2007 Legislature passed new ground water laws and created the one-time only Water Policy Interim Committee (WPIC). The Legislature appropriated \$50,000 for the committee to complete a water quantity and water quality policy analysis.

At the end of the interim, a joint subcommittee of the EQC and the WPIC met four times to explore various options for continuing the study of water policy. Choices debated included the creation of a permanent water policy subcommittee of the EQC or the establishment of a permanent water policy committee that would take over water-related duties of the EQC, including agency oversight. The third option, which became Senate Bill No. 22, is the current WPIC structure which allows WPIC to study water policy issues, but provides that the EQC retains many statutory duties related to water, including agency oversight and rulemaking review.

The EQC endorsed the permanent subcommittee option, which became Senate Bill No. 4 as well as SB 22. The WPIC endorsed only SB 22. The Senate Natural Resources Committee tabled SB 4. Senate Bill 22 passed the Senate 43-7 and the House 75-24.

A complete record of what the 2008 joint subcommittee reviewed can be found online.<sup>2</sup>

The committees and staff coordinate to avoid duplication of efforts. However, this interim both committees have reviewed the state water plan update, proposed exempt well water rules, and nutrient standards. The EQC and the WPIC also heard testimony over proposed federal Clean Water Act rules. Each also heard water-related agency legislative proposals.

## Considerations

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

- Resource Efficiency, Allocation, and Cost
  - Committee costs in terms of legislator (time, travel, salary)
  - Legislative staff workload (research and legal staff, secretarial support, and IT support).

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- Efficient use of legislator, legislative staff, executive branch, and federal resources
- Committee Jurisdictional Boundaries:
  - Clearly defining administrative jurisdiction boundaries eliminates duplication of effort issues with legislators, legislative staff, executive branch staff, and the public.
- Legislator Workload (senators are often assigned to more than one interim committee)
- Development of Legislator Subject Matter Expertise
- Public Involvement

In the case of the current proposal before the WPIC, the committee jurisdictional boundaries are the criteria most under consideration.

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