ENVIRONMENTAL QUALITY COUNCIL
RULES AND PROCEDURES 2005-2006

I. QUORUMS/PARLIAMENTARY PROCEDURES

A. Regular meetings of the Montana Environmental Quality Council (Council) must be held in the State Capitol unless otherwise designated by the Presiding Officer.

B. Notice of regular meetings must be mailed to the members and the public a minimum of ten (10) days prior to each meeting.

C. Public notice is accomplished by releasing information about the time, location, and agenda of meetings to the Council mailing list. The Council shall direct the staff to maintain an updated mailing list that is open to anyone who requests to be included.

D. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the Presiding Officer, with at least 24-hour notice to the members. Special meetings must not include agenda items that would normally require a public hearing and comment.

E. (1) except as provided in subsection (2) and rule 1d, notice must be provided to the public as provided in rule 1b for a conference call meeting of the Council or a Council subcommittee that includes agenda items that involve a decision on a document or recommendation or any other item that normally involves public comment.

(2) conference calls between staff and a quorum of Council members acting as a committee or subcommittee that are solely for the purpose of clarifying staff work assignments may be noticed by posting a description of the time, place, and general subject matter of the call on the Legislative Branch website at least 24 hours prior to the conference call.

F. All meetings of the Council must be conducted under the established rules of the Senate of the State of Montana as to quorums and parliamentary procedure.

II. PUBLIC PARTICIPATION GUIDELINES AND REQUIREMENTS

A. The EQC's role is to review and assess the development and implementation of state natural resource policy. Public comment should be designed to assist the EQC in its policy role.

B. The EQC is committed to providing an opportunity for effective public involvement in natural resource policy development and review.

C. Public comment will be taken at the discretion of the EQC Presiding Officer.

D. Due to the necessity of time management, the EQC Presiding Officer may limit individual public comment in order to allow an equal and fair opportunity for public comment generally as well as for other agenda items.

E. Submission of written comments is encouraged.

F. Common courtesy is required of all parties.

G. The EQC Presiding Officer has the discretion to recess EQC meetings when deemed appropriate.

H. Recording or videotaping of EQC meetings is permissible in a manner that does not disrupt the meeting.

I. The Council shall provide time on each full EQC meeting agenda for the public to comment on any matter not contained in the current meeting agenda and that is within the jurisdiction of the EQC.

III. ELECTION OF OFFICERS

A. Nominations for Presiding Officer and any other officers must be made from the floor after appointments of new members have been made. If a Presiding Officer and Vice Presiding Officer or Copresiding Officers are elected, they must not be from the same political party.

B. In order to be elected, a candidate shall obtain a majority of votes of all the members.

C. Members shall vote for the Presiding Officer and Vice Presiding Officer or Copresiding Officers by voice vote or a roll call vote.

IV. PROXY VOTES

A. Proxies are generally discouraged, especially where a question has not received a prior hearing or where new debate occurs the day of the vote.

B. For the exercise of a proxy to be valid, the deputized member shall hold a written proxy from the absent member that specifies the question to which the proxy applies. Where a written proxy refers generally to a question but does not precisely address the question called to a vote, the Presiding Officer shall determine whether the proxy will be allowed.

V. APPOINTMENTS

The Presiding Officer may appoint subcommittee Presiding Officers, members of subcommittees, and as necessary, members of special committees.

VI. SUBCOMMITTEES

A. The Presiding Officer may establish temporary or standing subcommittees to make investigations or perform other functions as may be delegated by the Council.

B. Subcommittee Presiding Officers and Vice Presiding Officers, if appointed, shall work closely with the Council staff in determining research priorities within the topic areas assigned to the subcommittees. Significant conflicts between Council research and subcommittee research responsibilities may be referred to the Presiding Officer for resolution.

C. Subcommittee Presiding Officers shall make periodic reports and recommendations to the Council.

D. Council approval of subcommittee findings and recommendations is required before actions may be taken to implement the recommendations.

VII. STAFF RESEARCH

A. The Legislative Environmental Analyst is responsible for managing the staff's workload.

B. Council staff is responsible for assisting individual Council members and members of the Legislature on request by compiling and analyzing material relating to the Council's statutory responsibilities as set forth in 2-4-402 through 412; 2-15-1514; 2-15-1523; 5-5-202 and 215; 5-16-101 through 105; 75-1-101, 75-1-201, and 75-1-301 through 324; 75-10-111; 75-10-743; 75-10-913, 918, and 927; 77-2-366; 77-5-301; 85-1-203; 85-1-621; 85-2-105; 85-2-350; and 85-2-436, MCA.

C. By the second regular meeting following appointment of new members, the Council shall establish a work plan for the biennium.

D. Priority must be given to research relating to the Council's primary study topics each biennium as identified in the approved Council work plan.

E. Each request for information not included in the work plan shall be addressed in accordance with Chapter 19, Section V of the Legislative Branch administrative manual. Generally, each request may not exceed 16 hours of work without consulting the Presiding Officer and Vice Presiding Officer of the Legislative Council. Requests

that will exceed 40 hours of work require the approval of the Legislative Council. However, this limitation does not apply to bill drafting services during and immediately preceding a legislative session.

VIII. REVIEW COMMITTEE

The Presiding Officer shall review or appoint a review committee for Council publications prior to distribution.

IX. TRAVEL AND EXPENSE REIMBURSEMENT

A. The Presiding Officer is responsible for approving travel expenses for other than Council meetings attended by Council members and the Legislative Environmental Analyst and staff that will result in requests for reimbursement from the Council's budget.

B. Council members shall be reimbursed for food, lodging, mileage, and miscellaneous expenses incurred in traveling to and from Council meetings as provided by law.

C. Council members shall be compensated for the day(s) spent in Council meetings. Compensation for time spent traveling to and from meetings shall be paid as provided by law.

X. REQUESTS FOR MATERIAL

A. Right to Know Policy:

(1) Records relating to individual privacy are protected from public scrutiny by the Constitution.

2) All other records are subject to the right-to-know provisions of the Constitution.

(3) It is necessary for the staff to protect records from theft, loss, defacement, or alteration to prevent undue interference with the discharge of Council functions.

B. The following procedures apply to records that are available for public inspection and copying:

(1) The Council will make its records available for inspection and copying upon request by any person during regular office hours.

(2) The request may be oral or in writing to the Legislative Environmental Analyst and must reasonably identify the record wanted.

(3) The records may be inspected in Room 171, State Capitol, Helena.

(4) Copies will be made and distributed upon request up to 25 pages. For a greater number of pages, prepayment of costs per page will be required. Requests for copying that involve excessive staff time may be referred to the Presiding Officer. The person making a request may be required to copy the records in the Council's office.

C. The following records are not available for public inspection and copying:

(1) Personnel records, except general employment information, such as dates and duration of employment, title of position and salary.

(2) Prior to bid opening, information that would give advantage to any person bidding on publications produced by the Council.

(3) Material prepared in anticipation of litigation that would not be available to a party in litigation with the Council under the Montana Rules of Civil Procedure on pretrial discovery.

(4) Prior to any testing period, materials used to test job applicants if disclosure would compromise the fairness or objectivity of the testing process.

(5) Proprietary information, including computer programs, which is entrusted to the Council under exclusive contract.

(6) Any other information that the Legislative Environmental Analyst determines to be not available because the demands of individual privacy clearly exceed the merits of public disclosure.

XI. TELEPHONES

Legislative Branch telephones are for the use of Legislative members and staff conducting Legislative Branch business.