<table>
<thead>
<tr>
<th>2019-2020 EQC Members</th>
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<tr>
<td>REP. WILLIS CURDY</td>
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<td>11280 KONA RANCH RD</td>
</tr>
<tr>
<td>MISSOULA, MT 59804-9790</td>
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<tr>
<td>(406) 546-0523</td>
</tr>
<tr>
<td>REP. STEVE GUNDERSON</td>
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<td>310 CONIFER RD</td>
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<tr>
<td>LIBBY, MT 59923-2965</td>
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<td>(406) 334-4370</td>
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<td>REP. BRADLEY HAMLETT</td>
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<tr>
<td>CASCADE, MT 59421-0049</td>
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<tr>
<td>REP. JIM KEANE</td>
</tr>
<tr>
<td>2131 WALL ST.</td>
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<tr>
<td>BUTTE, MT 59701-5527</td>
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<tr>
<td>(406) 723-8378</td>
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<tr>
<td>REP. THERESA MANZELLA</td>
</tr>
<tr>
<td>640 GOLD CREEK LOOP</td>
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<tr>
<td>HAMILTON, MT 59840-9742</td>
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<tr>
<td>(406) 546-9462</td>
</tr>
<tr>
<td>REP. KERRY WHITE</td>
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<tr>
<td>4000 BLACKWOOD RD</td>
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<tr>
<td>BOZEMAN, MT 59718-7621</td>
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<tr>
<td>(406) 587-3653</td>
</tr>
<tr>
<td>SEN. MIKE LANG</td>
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<td>PO BOX 109</td>
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<td>MALTA, MT 59538-0109</td>
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<tr>
<td>(406) 654-1117</td>
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<td>SEN. PAT FLOWERS</td>
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<tr>
<td>11832 GEE NORMAN RD</td>
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<td>BELGRADE, MT 59714-8416</td>
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<td>(406) 580-0035</td>
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<td>SEN. STEVE HINEBAUCH</td>
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<tr>
<td>610 ROAD 118</td>
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<tr>
<td>WIBAUX, MT 59353-9058</td>
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<td>(406) 365-7967</td>
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<td>SEN. JP POMNICHOWSKI</td>
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<td>222 WESTRIDGE DR</td>
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<tr>
<td>BOZEMAN, MT 59715-6025</td>
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<td>(406) 587-7846</td>
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<tr>
<td>SEN. CARY SMITH</td>
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<td>6133 TIMBERCOVE DR</td>
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<td>BILLINGS, MT 59106-8544</td>
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<td>(406) 698-9307</td>
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<td>SEN. GENE VUCKOVICH</td>
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<td>1205 W 3RD ST</td>
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<td>ANACONDA, MT 59711-1801</td>
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<tr>
<td>(406) 563-2313</td>
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<tr>
<td>MR. SCOTT ASPENLIEDER</td>
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<td>(406) 461-8392</td>
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<td>MR. JOHN BRENDEN</td>
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<td>PO BOX 970</td>
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<td>SCOBAY, MT 59263-0970</td>
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<tr>
<td>(406) 783-5394</td>
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<tr>
<td>MR. REX ROGERS</td>
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<tr>
<td>PO BOX 1338</td>
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<tr>
<td>BOULDER, MT 59632</td>
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<td>MR. MATT VINCENT</td>
</tr>
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<td>BUTTE, MT</td>
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<td>(406) 565-0234</td>
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<tr>
<td>MR. PATRICK HOLMES</td>
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<tr>
<td>GOVERNOR’S OFFICE</td>
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<tr>
<td>PO BOX 200801</td>
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<tr>
<td>HELENA, MT 59620-0801</td>
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<td>(406) 444-3111</td>
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Contents
Introduction........................................................................................................................................... i
Frequently Asked Questions ........................................................................................................... 1
  What is the Environmental Quality Council?............................................................................ 1
  Who is on the EQC?................................................................................................................... 2
  Who is the EQC staff and what is their role?........................................................................... 2
    EQC Staff...................................................................................................................................... 3
  What can the EQC do for you?................................................................................................... 4
  What are your responsibilities as an EQC member?............................................................ 4
  What are the EQC’s agency oversight responsibilities?....................................................... 4
    Evaluate Programs, Monitor Agency Functions ................................................................. 5
    Review Proposed Administrative Rules.............................................................................. 5
    Review Proposed Agency Legislation................................................................................ 6
  How is the interim organized? .................................................................................................. 6
  How is a meeting agenda developed? ..................................................................................... 9
  How does the EQC involve the public in its deliberations?............................................... 10
  How does the EQC respond to issues? ............................................................................... 10
  How does the EQC make decisions? .................................................................................... 10
  What is the EQC’s role during legislative sessions?............................................................... 10
Appendix A: How the EQC Responds to Issues......................................................................... 11
  Present an issue (typically an agenda item at one meeting) ............................................... 11
  Track an ongoing issue (an agenda item at two or more meetings).................................. 11
  Refine an issue ....................................................................................................................... 11
  Identify options to address an issue .................................................................................... 11
  Recommend action ................................................................................................................ 12
Appendix B: Administrative Rule Review Process Flowchart.................................................. 13
Appendix C: Legislator claims for reimbursement of Interim Activities................................. 15
Appendix D: EQC Publications ................................................................................................. 19
Introduction
The world is run by those who show up. The Environmental Quality Council (EQC) works the same way. This important interim committee deals with issues dear to the hearts of many Montanans. This edition of A Council Member's Guide to the Environmental Quality Council is a foundation for a council member to enjoy a productive, efficient, and rewarding experience as part of the EQC.

The guide is revised every interim. Please let us know what is helpful, what is not helpful, and what might be missing.

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Frequently Asked Questions

What is the Environmental Quality Council?
The Environmental Quality Council (EQC) is a statutory bipartisan interim committee within the legislative branch of state government. Created by the 1971 Montana Environmental Policy Act (MEPA), the EQC generates information, reviews and appraises state programs, conducts investigations and studies, develops and recommends policy, and generally promotes a unified effort in carrying out state policy for the enhancement of the state’s natural, economic, and social environments.

Former Rep. George Darrow, who carried the legislation that created the EQC, explained the role of the council this way:

The EQC is not a regulatory agency. It is not an environmental control agency. Responsibility for these functions lies with various existing agencies in the executive branch of state government. Instead, the council’s role is to anticipate environmental problems, analyze their root causes, perceive alternatives, and recommend preventive action.

It is a basic ecological insight that all environmental problems are interwoven, interrelated, and interacting. No project, no action by state government, has only a single consequence. However, most state agencies are responsible for only a single primary mission. There has been a continuing need for a systematic way to deal with complex problems that cut across the responsibilities of several agencies.
Who is on the EQC?

EQC’s 17 members include:

- six House members selected by the Speaker of the House;
- six Senate members selected by the Committee on Committees;
- two public members selected by the President of the Senate with the consent of the Senate Minority Leader;
- two public members selected by the Speaker of the House with the consent of the House Minority Leader; and
- one nonvoting member who represents the governor.

As with other interim committees, at least half of the EQC’s legislative members are selected from the session standing committees that consider issues within the jurisdiction of the EQC. At least one member is from the joint subcommittee that considers the related agency budgets.

The EQC is the only statutory committee with public members. The EQC’s public members provide invaluable citizen perspectives and information from outside the legislative arena.

Committee members serve 2-year terms, starting and ending on the 50th day of each legislative session.

Qualifications for EQC members include the ability to:

- analyze and interpret environmental trends and information;
- appraise programs and activities of state government;
- 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.

Who is the EQC staff and what is their role?

The Legislative Environmental Policy Office (LEPO) is within the Legislative Services Division. The director is the primary staff to the EQC, but research analysts and others in the office also assist the council. In addition to the EQC, the LEPO staff supports the interim committees of Energy and Telecommunications, Water Policy, and State-Tribal
Relations. During session, researchers staff committees that deal with natural resources, fish and game issues, energy, and agriculture.

The nonpartisan staff provides the most complete and objective information available. Staff informs the EQC of issues, provides research and legal guidance, and identifies and analyzes possible options to address an issue.

Staff responsibilities include:

- researching and producing reports and other materials;
- making live presentations to the EQC and the public;
- organizing studies and meetings of the EQC
- monitoring executive branch agencies and reporting to EQC;
- responding to information requests from EQC members, legislators, the public, and agencies;
- writing legal opinions;
- drafting legislation proposed by the EQC;
- during session, drafting legislation and staffing committees.

**EQC Staff**

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director of Environmental Policy</td>
<td>Joe Kolman</td>
<td>444-3747</td>
</tr>
<tr>
<td>Research Analyst</td>
<td>Hope Stockwell</td>
<td>444-9280</td>
</tr>
<tr>
<td>Research Analyst</td>
<td>Jason Mohr</td>
<td>444-1640</td>
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<tr>
<td>Research Analyst</td>
<td>Trevor Graff</td>
<td>444-4975</td>
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<tr>
<td>Research Assistant</td>
<td>Dawn Field</td>
<td>444-3742</td>
</tr>
<tr>
<td>Staff Attorney</td>
<td>Joe Carroll</td>
<td>444-3804</td>
</tr>
<tr>
<td>Legislative Secretary</td>
<td>Nadine Spencer</td>
<td>444-4838</td>
</tr>
</tbody>
</table>
What can the EQC do for you?
Over the interim, EQC members:

- develop expertise in environmental, natural resource, fish, wildlife, recreation, and other issues and oversee the state agencies associated with those issues;
- plan and participate in forums to create, evaluate, and refine legislative policy;
- provide constituents year-round access to critical legislative policy decisions;
- evaluate state agency administrative rules;
- promote governmental accountability;
- generate nonpartisan and unbiased information;
- investigate complex legislative policy problems and propose solutions.

What are your responsibilities as an EQC member?
Be informed and engaged. A legislator or public member who seeks and accepts appointment to the EQC must be prepared to devote time and effort to understanding the issues, evaluating the information presented, and formulating sound recommendations. In fulfilling this role, an EQC member should:

- prior to the meeting, read each report, plan, proposal, and set of minutes presented by staff or interested persons;
- contact staff with questions or requests for more information;
- share reports, plans, and other study documents with interested persons in your area to stimulate participation;
- invite comments and suggestions from constituents who are knowledgeable or concerned;
- pose questions and offer suggestions during meetings;
- redirect discussion to central issues when conversation strays from the topic; and
- communicate with staff on matters such as preferred style and length of presentations, conduct of meetings, format of reports, and other topics pertinent to EQC business.

What are the EQC’s agency oversight responsibilities?
As an interim committee, the EQC has statutory agency oversight responsibilities for the Department of Environmental Quality (DEQ), the Department of Natural Resources
and Conservation (DNRC), and the Department of Fish, Wildlife, and Parks (DFWP). These responsibilities include:

- program evaluation and monitoring functions;
- administrative rule review; and
- draft legislation review.

**Evaluate Programs, Monitor Agency Functions**

The law requires EQC to evaluate programs administered by its agencies. Fulfillment of this statute ranges from an item on the agenda driven by a constituent concern to updates on a topic at each meeting to more complete evaluations that involve staff time and analysis.

A program evaluation allows for an in-depth and contextual review of a program, including applicable laws, rules, funding, and implementation. The selection of a program may be driven by a constituent anecdote, a piece of legislation, or a timely issue, but a program evaluation provides the EQC with a broader picture.

Recent topics include:

- Monitoring a new aquatic invasive species program;
- A review of permitting for hard rock mines and major facility siting;
- A summary of a bison relocation environmental review;
- A review of hunting access programs;
- An overview of wildlife habitat management programs; and
- An evaluation of programs that manage state trust lands.

**Review Proposed Administrative Rules**

An administrative rule implements a law adopted by the Legislature or by initiative. If the law is repealed or changed, the administrative rule must be repealed or changed to conform. The EQC reviews proposed rules for conformity with the Montana Administrative Procedures Act, which includes provisions for notice, public comments and responses, and whether the rule is reasonably necessary to implement the statute.

A flowchart illustrating the EQC’s statutory role in the rule review process is provided in Appendix B. The EQC may:

- object to a proposed rule and require up to a 6-month delay in adoption (2-4-304, MCA);
• request records for checking compliance with MAPA (2-4-402(2)(a), MCA);
• submit written recommendations and participate in hearings on rule adoption (2-4-402(2)(b), MCA);
• require that a hearing be held on rule adoption (2-4-402(2)(c), MCA);
• institute or participate in legal proceedings relating to rules (2-4-402(2)(d), MCA);
• commence a poll on an objection to a rule (2-4-403, MCA);
• require an economic impact statement relating to the adoption of a rule (2-4-405, MCA);
• object to a rule not adopted in conformance with MAPA (2-4-406, MCA); and
• recommend rule adoption or changes (2-4-411, MCA).

An example from the 2017-2018 interim is the review of an amendment to rules proposed by the DFWP to regulate bird dog training and field trials. After twice objecting to the rules attempting to implement the decades-old law, the EQC delved into the matter and proposed legislation to repeal the law and write a new statute. The bill passed. It is likely the EQC will review the effect of the new law and will again evaluate rules proposed to implement it.

Review Proposed Agency Legislation
Each of the agencies is required to present descriptions of legislation it plans to propose to the next legislature. This happens near the end of the interim.

The EQC reviews and discusses the legislative proposals and makes a formal decision on whether to request the legislation on behalf of the agency. The purpose of this process is to allow staff time to draft legislation prior to the beginning of session. These bills are preintroduced on behalf of the agency. The EQC approval for preintroduction is not an endorsement of a bill. However, it is also within the council’s power to not request bills. In addition to informing the EQC about topical legislation, the agency can use the EQC comments and criticism as it sees fit to make changes to the proposal or refrain from pursuing it. A bill rejected for preintroduction can still be introduced after session begins.

How is the interim organized?
A Presiding Officer and Vice Presiding Officer are selected at the first meeting of the interim. EQC’s rules and procedures are adopted at that meeting and guide the selection.
In planning its work, the EQC considers studies requested by legislators through study resolutions, study bills, statutory mandates, and member issues. Study resolutions, which are bills passed by the previous Legislature, are ranked by the legislators and assigned to interim committees by the Legislative Council.

At its first meeting, the EQC selects and prioritizes its activities for the interim based on a draft interim work plan assembled by staff. The EQC has a strong tradition of handling large workloads within its allotted budgets for staff time and money and completing its work prior to the September 15 deadline in the even numbered year.

The EQC decides which, if any, of the options to adopt for the final work plan or to generate its own work plan options. (See Figure 1.) Once the draft work plan is adopted, staff develops work plans and timetables for each major task. Subcommittees or working groups may be appointed to address certain issues.

The EQC usually meets seven times over interim, which runs from May of the odd-numbered year through mid-September of the even-numbered year.

At the end of the interim, EQC staff produce draft study reports that reflect the activities, deliberations, findings, recommendations, and potential legislation. The EQC reviews the report, makes any changes, and then adopts the report.
Figure 1: Environmental Quality Council Interim Process

**Studies**
- Assigned to EQC by Legislative Council or by Legislation
- Requested by EQC member

**First Meeting**
- Elect presiding and vice presiding officers
- Review draft work plan
- Select and prioritize study topics and agency oversight activities

**Work Plan Implementation**
- Topics and timetables finalized
- Additional issues, environmental concerns, and statutory responsibilities addressed
- Research and information gathered with public participation for interim studies
- EQC conducts agency oversight throughout the interim

**Work Plan Completion**
- Circulate draft reports or proposals for public comment
- Develop findings and recommendations
- Identify potential legislation
- Staff completes reports and publications related to issues addressed throughout the interim
How is a meeting agenda developed?

The work plan is the source of most agenda items at each meeting through the interim. A study or program evaluation undertaken by the EQC is built upon at each meeting with research, stakeholder involvement, and public comment.

In addition to items from the work plan, agenda items are suggested by members during and between meetings. Issues may be driven by state or federal agency decisions, judicial rulings, development proposals, natural disasters, citizen inquiries, or other factors. The EQC may choose to investigate or analyze these issues as they arise, provided there is sufficient time and interest, especially if the issue may be resolved through legislative policy decisions.

The Presiding Officer determines the final agenda often after consulting the Vice Presiding Officer.

EQC members may suggest agenda items that fall within the purview of the council. Members should also say if potential or past agenda are unhelpful, inappropriate, or not a priority.

During a typical meeting, the EQC may:

- review the statutorily established advisory councils and required reports of the DEQ, DNRC, and DFWP;
- hear an update on the current fire season;
- discuss wolf management;
- tour a site associated with a study. Past tours include the aquatic invasive species check station at Canyon Ferry, Chessman Reservoir outside Helena, Reeder's Alley, and federal land management in the York area.
- receive an update on petroleum tank release site closures;
- discuss a legislative audit of the state parks program;
- listen to a panel of experts explain federal land policy;
- hear public testimony regarding state laws that authorize the permitting of gravel pits; and
- receive an update on the DNRC's Renewable Resource Grant and Loan Program.
How does the EQC involve the public in its deliberations?
Public participation is essential for the EQC to function as a policy development and oversight body of the Legislature. Public comment is encouraged. Each agenda item includes an opportunity for the audience members to comment.

The agenda and meeting materials are publicly available on the EQC website at least 10 days prior to each meeting. Staff also sends press releases, posts details on legislative social media sites, and sends notices specifically to interested individuals and organizations who sign up for the service.

How does the EQC respond to issues?
The EQC gathers and analyzes information to make informed policy recommendations and decisions about complex natural resource and environmental issues. How the EQC responds to an agenda item varies. Members may ask questions, make suggestions, provide direction, or take other action. Examples of EQC responses are listed in Appendix D.

How does the EQC make decisions?
Committee decisions are by majority rule. Sometimes members vote. Other decisions are made if none of the members object to a proposal.

What is the EQC’s role during legislative sessions?
Council members develop expertise essential to the legislative process. EQC members may sponsor legislation, provide testimony, respond to amendments, and inform legislators about EQC proposals and other issues that arise during a session.
Appendix A: How the EQC Responds to Issues

**Present an issue (typically an agenda item at one meeting)**
- Direct staff to conduct independent research.
- Direct staff to work with agency staff to address questions.
- Request an agency answer questions in writing or by presentation.
- Direct staff to work with agency staff and interest groups and solicit public comment.
- Direct staff to identify interested persons or issue experts to present information to the EQC.
- Direct staff to organize a panel discussion on the issue.

**Track an ongoing issue (an agenda item at two or more meetings)**
- Direct staff or request an agency provide updates.
- Council members request periodic reports produced by an agency or interest group.
- Council members direct staff to track an issue nationally or regionally and provide updates.
- Create a subcommittee or working group to investigate and report.

**Refine an issue**
- Create a work plan item and direct staff accordingly.
- Direct staff to develop specific follow-up questions or research a specific aspect of an issue.
- Council requests performance or fiscal audit.
- Create a subcommittee or working group to recommend further action.
- Conduct a site visit, tour, or public hearing.

**Identify options to address an issue**
- Direct staff to develop options based other state policies, in consultation with agency staff and interested parties, or through other means.
- Solicit options from interested parties and the public.
- Create subcommittee to work with staff to develop options.
Recommend action

☐ Direct staff to:
  o Draft legislation to address an issue or to study the issue during the next interim.
  o Add information to EQC website or publication.
  o Create a new publication or other avenue to disseminate information.
  o Plan a special meeting of field trip.

☐ Provide formal public comment on a proposal.
☐ Suggest agency action through a verbal request, letter, or report.
☐ Provide suggestions or general recommendations for agency actions.
☐ Write a formal letter.
☐ Participate in state, regional, or national policy review group.
Appendix B: Administrative Rule Review Process Flowchart
Appendix C: Claims for reimbursement of Interim Activities

The following provides information for legislators about payment of salary and reimbursement of expenses for interim activities. Legislators who have questions regarding this information should call the Financial & Human Resource Office, Legislative Services Division (Jennifer Simmons at 444-9542 or Dawn Hicks at 444-3411).

Generally, legislators should use the mode of travel that provides the lowest overall cost to the state. Lodging reservations should be made early to obtain state-rate rooms; a legislator should always request state employee rates when making reservations. If a legislator uses a commercial airline, reservations should be made early to obtain discounted rates, and costly schedule changes should be avoided.

Statutory Provisions

5-2-302. Compensation and expenses when legislature not in session. When the legislature is not in session, a member of the legislature, while engaged in legislative business with prior authorization of the appropriate funding authority, is entitled to:

(1) a mileage allowance as provided in 2-18-503;
(2) expenses as provided in 2-18-501 and 2-18-502; and
(3) a salary equal to one full day’s pay at the rate described in 5-2-301(1) for each 24-hour period of time (from midnight to midnight), or portion of a 24-hour period, spent on authorized interim or administrative committee legislative business or as otherwise provided by law. However, if time spent for business other than authorized legislative interim or administrative committee business or business related to 5-11-305 results in lengthening a legislator’s stay away from home into an additional 24-hour period, the legislator may not be compensated for the additional day.
Reimbursement Rates

<table>
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<th>Breakfast $7.50; Lunch $8.50; Dinner $14.50</th>
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<tr>
<td>Mileage (receipt NOT required)</td>
<td>$.58/mile for first 1,000 miles each month; $.55/mile thereafter (subject to change Jan. 2020)</td>
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<tr>
<td>Lodging (receipt IS required)</td>
<td>Most Montana locations = $94/day, plus applicable taxes (total $102.58) In Helena = $101/day, plus applicable taxes (total $110.07, subject to change Oct. 2019)</td>
</tr>
<tr>
<td>Nonreceipted lodging (e.g., staying with friends or family)</td>
<td>$12/day</td>
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Guidelines for Evaluating Reasonableness of Claims (Revised by Legislative Council 3/2/2010)

The following guidelines are used to determine if time spent away from home reasonably falls within the context of authorized legislative business:

1. Overnight lodging is reasonable when a legislator would be required to leave home earlier than 6:30 a.m. or arrive home later than 6:30 p.m. in order to have attended all of the meeting or have conducted all of the authorized legislative business. To compute whether this would be required, an average travel speed (overall including incidental stops) of 50 miles an hour is used. The one-half hour immediately preceding and immediately following a meeting or activity is an in-town travel shift and considered to be part of the total meeting schedule for the purposes of the reasonableness computation.

2. A legislator is entitled to a day’s salary when necessarily away from home for authorized legislative business. A member is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel qualified under #1 above is required.

3. Subject to statute, a meal falling within reasonable travel times may be claimed. Special circumstances are considered in determining reasonableness. Such circumstances may include inclement weather, a legislator’s health, variables related to flying instead of driving, and schedule conflicts which require a member to choose a
more expensive mode of travel in order to participate in the legislative activity. Special circumstances should be clearly presented on the claim form.

Legislators Who Live in Helena

A legislator who lives in Helena and attends an interim committee meeting in Helena is not entitled to mileage or lodging reimbursement. However, the legislator is entitled to a midday meal allowance on the day of the meeting regardless of the proximity of the meeting place to the individual’s residence. In addition, the legislator may claim salary in the same manner as all other legislators.

Submission of Claims

To receive payment of salary and reimbursement of expenses for interim legislative work, a legislator must complete and sign a Statement of Expense for Montana Legislators. Forms are available from committee secretaries and from the Financial & Human Resource Office, Legislative Services Division, Room 154 in the Capitol.

The legislator must return the claim to the committee secretary or to the Financial & Human Resource Office, Legislative Services Division, accompanied by original receipts as noted on the claim form. The legislator should clearly note the number of days of salary, lodging, and meals claimed. The claim should be completed and signed in ink. Special circumstances that apply to the claim should be noted.

Claims will be processed as quickly as possible. The salary portion of the claim will be paid with the next biweekly state payroll cycle following receipt of the form. Warrants for expenses, not including salary, will be issued within 3 working days of receipt of the claim by the Financial & Human Resource Office. This means that a legislator will usually receive two state warrants for each claim submitted, one for expenses and one for salary. Claim forms that are incomplete or do not include required receipts may be returned to the legislator for completion. When that happens, the claims processing period may be extended.

Timely Submission of Claims

State policy requires that requests for reimbursement of travel costs be submitted within 3 months of incurring the expense or the right to reimbursement is waived. To comply with policy, the Legislative Branch cannot process payment if reimbursement requests are submitted outside the 3-month window.
Appendix D: EQC Publications

Links to these reports and others are here:
http://leg.mt.gov/css/Publications/environmental/default.asp

2018
- SJ 9: Tracking the Spread: SJ 9 Keeps Tabs on CWD Fight
- Montana Natural Heritage Program Tracks Plants, Animals; Searches for Funding
- Don’t Move a Mussel: Funding the Fight Against AIS in Montana
- State Parks Division Program Evaluation
- Can’t Let Sleeping Dogs Lie: A Study of Bird Dog Regulations
- Montana Index of Environmental Permits, 21st edition

2017
- A Guide to the Montana Environmental Policy Act

2016
- HJ 13: Roads, Land, & Big Game Harvest
- HJ 7: Next Generation 9-1-1: Montana’s Efforts to Move Forward
- SJ 12: Net Metering in Montana
- Considerations for the future of water rights
- Issues of water availability and supply
- SJ 2: Assuming dredge-and-fill permits
- Montana Index of Environmental Permits, 20th edition

2015
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- Split Estates: The relationship between surface and minerals
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