Cover: EQC members at a biomass equipment demonstration
Photo by Hope Stockwell
# Introduction

Welcome to the Environmental Quality Council (EQC). In an attempt to provide you with an organized jump start to the committee's interim work, the EQC staff has produced this eighth edition of *A Council Member's Guide to the Environmental Quality Council*. The Guide is designed to provide you with the necessary information to roll up your sleeves and participate effectively and efficiently in the interim process.

The Guide is divided into six sections. The first addresses the questions most frequently asked about the EQC. The next five sections are appendices that provide more detailed information. Previous members have found this publication to be very helpful. Your continued feedback is appreciated, so let us know what you think. You can reach us at:

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Frequently Asked Questions

What is the Environmental Quality Council?

The Environmental Quality Council (EQC) is a statutory bipartisan interim committee that operates 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. (For a comprehensive list of duties, see the EQC Work Plan.)

Who is on the EQC?

The EQC has 17 members including:

- 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 concurrence of the Senate Minority Leader,
- two public members selected by the Speaker of the House with the concurrence of the House Minority Leader, and
- one nonvoting member who represents the governor.

As with other interim committees, at least 50% of the EQC’s legislative members must be selected from the standing session committees that consider issues within the jurisdiction of the EQC and at least one member must be selected from the joint subcommittee that considers the related agency budgets.

The EQC is the only statutory committee in the Legislative Branch that has public members who vote on issues before the committee. Throughout its 40-year history, the EQC’s public members have provided invaluable nonlegislative perspectives and information.
Committee members serve 2-year terms, starting and ending on the 50th day of each legislative session. Members may serve no more than three terms (a total of 6 years).

In order to be appointed to the EQC, the following qualifications of the legislator or public member must be considered:

1. the ability to analyze and interpret environmental trends and information;

2. the ability to appraise programs and activities of state government in the light of the policy set forth in 75-1-103, MCA;

3. the ability to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the state; and

4. the ability to formulate and recommend state policies to promote the improvement of the quality of the environment.

A Presiding Officer and Vice Presiding Officer are traditionally selected at the first meeting of the interim. The EQC rules and procedures guide the selection process and are also confirmed at the committee's organizational meeting. (See EQC Rules and Procedures.)

**What can the EQC do for you?**

As an EQC member, you have the opportunity to:

- Develop expertise in environmental, natural resource, fish, wildlife, recreation, water, and other issues and oversee the state agencies associated with those issues.

- Plan and participate in forums to create, evaluate, and refine legislative policy.
Allow your 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?

In a nutshell . . . be engaged and participate. 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 needs to:

- read each report, plan, proposal, and set of minutes presented by staff or interested persons in advance of meetings;
- 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;
- bring to the meetings previously prepared questions and comments;
- pose questions and offer suggestions during meetings;
- redirect discussion to central issues when conversation strays from the topic; and
communicate frankly 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 a standing legislative 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 specifically include:

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

**Administrative rule review**

The requirement that the EQC review administrative rules is found in 75-1-324(10), MCA. The Montana Administrative Procedure Act (MAPA), Title 2, chapter 4, MCA, governs how state agencies may adopt administrative rules. An administrative rule is a type of law that 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.

MAPA provides that:

- An agency must have specific authority in law to adopt rules (2-4-301, MCA).
- Notice of the proposed rule must be published in the Montana Administrative Register, which is printed by the Secretary of State. The notice must comply with specific time lines and provision requirements (2-4-302, MCA).
Interested parties notified include the primary legislative sponsor of the bill that enacted the section of law authorizing the administrative rulemaking process. The purpose of the notification to the legislative sponsor is to obtain the legislator's comments, inform the legislator of the date by which each step of the rulemaking process must be completed, and provide the legislator with information about the time periods during which the legislator may comment on the proposed rules (2-4-302, MCA).

An agency must consider all oral and written submissions respecting a proposed rule (2-4-305, MCA).

An agency must consider for a rule that initially implements legislation whether the intended action is contrary to any comments submitted to the department by the primary sponsor of the legislation for the purposes of 2-4-302, MCA (2-4-110, MCA).

A rule must include a citation to the specific grant of rulemaking authority and must be "reasonably necessary to effectuate the purpose of the statute" (2-4-305, MCA).

The provisions governing the legislative review of rules is in Title 2, chapter 4, part 4, MCA. 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).
- Recommend rule adoption or changes (2-4-411, MCA).

Failure of a committee to object to a rule proceeding is not admissible in court. The department must report judicial proceedings relating to the construction or interpretation of laws on committee review of rules and may report judicial proceedings relating to the agency's rules (2-4-410, MCA).

**Draft legislation review**

In order to facilitate the orderly drafting of executive branch bill drafts and to allow legislative oversight of agency bill draft proposals, each agency assigned to the EQC for oversight purposes is required to present descriptions of proposed legislation to the EQC. Mid-May through September of each even-numbered year is usually the time period that the EQC receives the agency descriptions of the proposed legislation. At a predetermined EQC meeting, each agency presents the descriptions of their proposed legislation. The EQC reviews and discusses the legislative proposals and then makes a formal decision as to whether the proposed legislation should be requested.

The EQC's decision to "request" on behalf of the agency that a bill be drafted does not mean that the EQC necessarily endorses the bill draft. It simply gets the requests into the bill drafting system so that the bill drafts can be drafted and pre-introduced prior to the legislative session. The agency will be responsible for finding a legislator to actually carry the bill during the session. This does not mean that the EQC has to request that all of an agency's bill draft proposals be drafted. In the past, the EQC has
occasionally made the decision not to request that an agency proposal be drafted. This is a golden opportunity for the EQC to provide comments and constructive criticism regarding agency policy proposals.

**Program evaluation and monitoring functions**

The EQC traditionally spends a fair amount of time during each interim on agency program evaluation and monitoring agency functions. Numerous and wide-ranging issues regarding an agency's implementation of legislative policy come before the Council for review and discussion.

A sample of past topics include:

- Wolf management issues
- The contested case hearing for the Highwood Generation Station air quality permit
- Meth lab cleanup legislation implementation
- Holcim air quality permitting process
- DEQ enforcement and permitting issues
- Board of Environmental Review coal bed methane nondegradation rules informational hearing on the Wyoming objection
- Water Center resources and funding
- Water adjudication process oversight
- Ground water management issues

**What does the EQC do during a typical interim?**

The EQC typically focuses on one or two major study topics while conducting general oversight of the state's natural resource programs and observing its other statutory duties. The EQC is required to meet each quarter, though the number of meetings and the EQC study agenda is determined in part by the number of issues that can be effectively addressed within the EQC budget and with the available time and resources of committee members and staff and interested parties.
At its first organizational meeting, the EQC selects and prioritizes its activities for the interim based on a draft interim work plan assembled by staff. The options in the work plan are generated from studies assigned by the Legislative Council, the EQC’s statutory responsibilities, issues of concern to EQC members, and agency oversight responsibilities. It is up to the EQC to prioritize and decide 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 EQC selects and prioritizes the work plan options, staff develop a detailed draft work plan and timetable that includes each major study or activity for approval by the committee. Subcommittees or working groups may be appointed to address certain issues. (See Appendix C for more information on creating subcommittees and working groups.)
Studies assigned to the EQC by:
- Legislative Council
- Legislation
Study at request of EQC Member.

First Meeting - Organizational
- Select and prioritize study topics
- Select and prioritize agency oversight activities

EQC draft work plan and timetables finalized.

Develop and implement interim study work plan.
Research and information gathering with public participation for interim studies.

The Council conducts state program oversight throughout interim.

Circulate draft reports or proposals for public comment.

Develop findings and recommendations.

Address additional issues, environmental concerns, and statutory responsibilities.

The Council identifies potential legislation, and staff completes reports and publications related to the issues that the EQC addressed throughout the interim.

Figure 1. Environmental Quality Council Interim Process
During the interim, additional issues or environmental concerns inevitably come to the attention of the EQC. These "headline issues" may be driven by state or federal agency decisions, judicial rulings, development proposals, natural disasters, citizen inquiries, or many 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.

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 and then adopts, modifies, or rejects the recommendations and potential legislation.

As required under Legislative Council rule, the committee must wrap up its interim work by September 15th of even-numbered years. EQC members are then free to engage in political campaigns and the staff concentrates on drafting legislation and preparing for the upcoming legislative session.

**What does the EQC do during a typical meeting? How is the agenda developed?**

Potential agenda items are identified in a number of ways:

- A review of the work plan.
- Discussions at previous meetings.
- Requests from individual members.
- The staff informs the Presiding Officer about new programs, actions, current events, or other developments that fit in with the EQC’s work plan.

Typically, the staff begins developing a draft agenda for review by the EQC Presiding Officer 4 to 6 weeks prior to the committee meeting. The Presiding Officer determines the final agenda.

EQC members are encouraged to suggest agenda items that would be of interest to the committee and consistent with its work plan. Items may be suggested during meetings or discussed with the Presiding Officer. It is equally important for EQC members to speak up when potential or past
agenda items are not helpful, appropriate, or not a high priority in light of the EQC’s work plan. The committee’s time and resources are limited so it is important to prioritize agenda items.

Although it is difficult to define a "typical" agenda, a sample of past agenda items may provide an idea of what the EQC might do during a meeting:

- Discuss the FWP’s Spotted Dog land acquisition Environmental Assessment.
- Receive an update from the DNRC and the Montana Water Court on the progress of the water adjudication process.
- Tour the Beaverhead Valley to learn about the implementation of state and federal water quality laws, fisheries management, local irrigation projects, and other local projects and issues.
- Hear a presentation by the Montana Bureau of Mines and Geology on the interconnectedness of surface and ground water.
- Receive a report from Montana legislators who participated in a Legislative Leadership Council on River Governance meeting in Idaho.
- Listen to a panel of experts from the DEQ, Stillwater Mine, bonding and surety companies, and the Mineral Policy Center discuss metal mine bonding.
- Decide on recommendations and conclusions for an EQC report on waste tire management after hearing the recommendations of the committee-appointed Waste Tire Working Group.
- Travel to Dillon, Missoula, and Great Falls to listen to the concerns of residents.
- Hear public testimony regarding state laws that authorize the permitting of gravel pits.
- Receive an update on the DNRC’s Renewable Resource Grant and Loan Program.
The type of action that is needed varies with each agenda item. Usually the Presiding Officer invites the audience (citizens, lobbyists, and other interested persons) to comment on topics being discussed. Many items are informational and provide EQC members with an opportunity to ask questions, make suggestions, provide direction, or decide if further committee action is appropriate. Other items require a decision by the EQC.

**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. The EQC encourages the public to be involved and to comment on its deliberations. The staff sends agendas and other notices to several hundred interested individuals and organizations at least 10 days in advance of meetings or hearings. Announcements are also posted in the Legislative Services Division Interim, distributed through press releases, and posted on the EQC website. The Presiding Officer has the option of holding meetings outside Helena in order to reach Montanans who cannot attend meetings at the Capitol. The committee has developed public participation guidelines that are listed in the EQC Rules and Procedures.

**How can the EQC respond to an issue?**

It is the EQC’s role to gather and analyze information in order to make informed policy recommendations and decisions about complex natural resource and environmental issues. The investigation of these issues is limited only by the resources of the EQC, as there is no shortage of issues or debate over the balance between people and their environment. Some of the ways the EQC may respond to these issues are listed in Appendix D.

**How does the EQC make decisions?**

The EQC has used a variety of methods to make decisions, including acting based on a majority vote or working towards consensus. Whatever approach the EQC ultimately chooses, it is beneficial to discuss that approach early in the interim.
What is the EQC’s role during legislative sessions?

The EQC's function during a legislative session is to support any committee-proposed legislation and to offer a position and/or an analysis on specific issues that arise during a session. Members may support the activities of the EQC by sponsoring legislation, providing testimony, responding to amendments, talking to other legislators about EQC proposals, and generally shepherding EQC legislation through the legislative process. Members develop an expertise that is useful to their legislative colleagues.

EQC staff mission and duties

The EQC staff is a principal subdivision within the Legislative Services Division and works under the guidance of the Legislative Environmental Analyst. The staff’s mission is to assist the EQC in achieving its mission and to provide the best information possible to the EQC, the Legislature, and the public. The EQC’s mission is set forth in its enabling legislation (MEPA) and its statutory duties.

Best information means the most complete, objective information available. The staff’s goal is to inform the EQC of the issues; provide information regarding those issues; identify options, if requested; and analyze the impacts—environmental, fiscal, societal, etc., of selecting those options. The option selection itself is left to committee members.

Staff responsibilities include:

- researching and writing reports;
- organizing and monitoring public meetings and hearings;
- drafting proposed legislation;
- responding to information requests from EQC members, legislators, the public, and agencies;
- writing legal opinions;
- organizing studies assigned by the Legislature and the EQC;
- arranging meetings, i.e., contacting speakers, arranging for site visits, etc.;
- writing and distributing informational materials; and
- drafting legislation and staffing committees during the legislative sessions.

In general, the EQC staff acts as an impartial and nonpolitical source of information on environmental and natural resource matters for the EQC, the Legislature, Montana citizens, and state agencies. In addition, members of the EQC staff serve as committee staff to several standing committees during legislative sessions and as committee staff to several interim committees.

Your current EQC staff are: Phone:

- Legislative Environmental Analyst . . . . . . Todd Everts 444-3747
- Research Analyst . . . . . . . . . . . . . . . . Joe Kolman 444-9280
- Research Analyst . . . . . . . . . . . . . . . Sonja Nowakowski 444-3078
- Research Analyst . . . . . . . . . . . . . . . Hope Stockwell 444-1640
- Research and Publications . . . . . . Maureen Theisen 444-3742
- Staff Attorney Assigned to the EQC . . . . Helen Thigpen 444-3804
Appendix A: Salary and Reimbursement

LEGISLATOR CLAIMS FOR REIMBURSEMENT OF INTERIM ACTIVITIES

Legislative Services Division

Information Sheet
Updated April 22, 2011

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 (Karen Berger at 444-3411 or Jennifer Simmons at 444-9542).

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
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portion thereof, spent away from home on authorized legislative business. However, if time spent for business other than authorized legislative business 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>
<thead>
<tr>
<th>In-state meals (receipts <strong>NOT</strong> required)</th>
<th>Breakfast $5.00; Lunch $6.00; Dinner $12.00</th>
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<tr>
<td>Mileage (receipt <strong>NOT</strong> required)</td>
<td>$.51/mile for first 1,000 miles each month; $.48/mile thereafter</td>
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<td>Lodging (receipt <strong>IS</strong> required)</td>
<td>$77/day, plus applicable taxes, total $83.39 for most Montana locations. $81/day, plus applicable taxes, total $87.67 in Helena.</td>
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<tr>
<td>Nonreceipted lodging (e.g., stay 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 B: Administrative Rule Review Process, 2011-12**

**No Legislative MAPA Review**

**Emergency Rule**

- AGENDA ITEM: What kind of Rule? (Agency Decision)

- **ARM Rule**
  - Agency files rule with the Secretary of State.

- Notice of proposed rule published and interested parties notified including mailing of notice to the primary Legislative Sponsor of the bill that enacted the section of law that is the impetus for the rule to obtain the legislator's comments, inform them of the date by which each step of the process must be completed, and provide them with information about the time periods during which they may comment on the proposed rules.

- When the agency works on substantive content and wording, the agency must notify the Legislative Sponsor.

- Is a hearing needed on the proposed rule?
  - **No**
    - Agency files adoption notice.
    - Adoption Notice published.
    - 1 day minimum
    - Rule effective.

  - **Yes**
    - 1. proposed rule involves matters of significant interest to the public.
    - 2. 10% or 25 (which ever is less) of the persons directly affected by the proposed rule.
    - 3. requested by a governmental subdivision or agency.
    - 4. requested by the Committee.
    - 5. requested by an association having not less than 25 members that will be directly affected by the proposed rule.

    - Agency hearing on proposed rule, Hearings Officer shall read out loud the "Notice of Function of the Committee."

    - Written comments due 10 days after hearing or 28 days after publication if no hearing.

    - Agency drafts responses to comments.

    - Committee may request and obtain agency records for reviewing compliance with statutory validity requirements.

    - Committee may, through a request of a majority of members, object to a proposed rulemaking.

    - Committee may poll the Legislature by mail to determine whether the proposed rule is consistent with the intent of the Legislature. The poll results must be published with the rule.

    - Committee may, based on an affirmative request of a majority of the members of the Committee at an open meeting, request in writing that the agency conduct an economic impact statement.

    - Committee may file with the secretary of state, its opinion that a rule or portion of a rule is adjective or interpretive and therefore advisory only.

**Annual/Biennial Rule**

- Committee may request and obtain agency records for reviewing compliance with statutory validity requirements.

- If the Committee objects to a notice of proposed rulemaking, the proposed notice may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the Committee meets and does not make the same objection.

**MINIMUM/ MAXIMUM TIME FRAMES FOR ARM RULE ADOPTION:**

- General Rule: a rule must be adopted no less than 30 days nor more than 6 months from the date of notice or the agency has to do it over again.

- 20 days

- Agency hearing on proposed rule.

- Committee may submit oral or written testimony at a rulemaking hearing.

- Committee may prepare and submit written recommendations for adoption, amendment, or rejection of a rule to the agency.

- If requested by ¾ vote of the Committee, an agency must immediately publish the full or partial text of any pertinent material adopted by reference.

- Committee may object to all or a portion of a proposed rule in writing because they consider the rule not to have been adopted in substantial compliance with MAPA.

- If the Committee objects to all or a portion of a proposed rule before the rule is adopted, the rule or the portion of the rule objected to is not effective until the day after final adjournment of the regular session of the legislature that begins after the notice proposing the rule was published unless:
  1. the Committee withdraws its objection before the rule is adopted; or
  2. the rule or portion of the rule objected to is adopted with changes that in the opinion of the majority of the Committee make it comply with the Committee’s objections and concerns.
Appendix C: Creating a Subcommittee or Work Group

Attributes of subcommittees and work groups

**Subcommittees**
- Made up of voting members and minutes must be taken
- Generally a larger division of the whole committee
- Members become very informed and knowledgeable about the issues being analyzed
- Appointed at the beginning of the interim
- Past Council's have expressed concern that only a limited number of EQC members get all the information

**Work Groups**
- Not mandatory that the group take minutes
- Usually fewer members (5-6)
- Can include non EQC members to provide information
- Appointed on an as needed basis throughout the interim
- Past Councils have seen as an efficient way to put together detailed answers or information for a specific question

Use of subcommittees in the 2011-12 Interim

The EQC may assign studies to a subcommittee or work group that are the result of resolutions, statutory oversight responsibilities, or member-defined issues.

Past use of subcommittees by the EQC
- Joint subcommittee with the Legislative Finance Committee to study the Petroleum Tank Release Fund (2008).
- HB 790 Subcommittee to solicit public comment on and discuss split estates and other oil and gas development issues around the state (2005).
- Joint subcommittee with the Law and Justice Interim Committee for a study of eminent domain (1999).
- Water Policy Subcommittee (2001)

**Past use of work groups by the EQC**

- Work group to study alternatives for the management of waste tires (1997)

**Appointing and organizing subcommittees**

- Each EQC has the option of appointing subcommittees.
- The subcommittee Presiding Officers and members are appointed by the EQC Presiding Officer.
- Subcommittees have their own detailed work plan.
- Subcommittee meetings are held in addition to EQC meetings. Subcommittee Presiding Officers give an update at each EQC meeting on activities undertaken.
- Subcommittee activities require additional staff time and Council member time.
Appendix D: How the EQC May Respond to Issues

The following choices are informally arranged from the efforts that are the most simple to the most resource-intensive for EQC members and staff to complete. Before beginning research on a topic, it is necessary to decide if the issue warrants investigation given the demands and objectives of the work plan, and if so, for what purpose and in what depth.

Presenting an issue to the EQC

☐ Request staff to conduct independent research and report to the EQC.
☐ Request EQC staff to work with agency staff to address questions.
☐ Request that agency staff answer specific questions in writing or by presentation.
☐ Request EQC staff to work with agency staff and interest groups to provide multiple perspectives.
☐ Same as above with actively solicited public attendance and comment.
☐ Solicit interested persons or issue experts to present information to the EQC.
☐ Request EQC staff to organize a panel discussion on the issue.

Tracking an ongoing issue

☐ Request EQC staff or agency staff to provide updates at subsequent meetings.
☐ Committee members investigate the issue in their districts and report back to the EQC at the next meeting.
☐ Committee members request periodic reports/publications on the issue produced by the agency or interest group.
☐ Committee members request that EQC staff track an issue nationally or regionally and provide periodic updates at meetings.
Committee assigns an EQC subcommittee or working group to investigate and report on the issue over the interim.

**Refining an issue**
- Convert an issue to a work plan item for the EQC, subcommittees, working groups, or staff to research and report on.
- Committee members and/or EQC staff develop more specific follow-up questions on an issue for EQC or agency staff to research and report back to the EQC.
- Committee workshop/work session involving all affected parties.
- Committee requests performance or fiscal audit.
- Convene an EQC subcommittee or working group to discuss issue and report back to the EQC.
- Solicit and arrange for testimony from diverse participants; host a general discussion of the issue or ask specific questions.
- Conduct a site visit, tour, or hearing and prepare a report on the result.

**Identifying options to address an issue**
- Ask interested parties/experts for suggestions on what could be done to resolve the issue.
- Request that EQC staff evaluate how other states deal with similar issues.
- Request EQC staff to develop potential options to present to the EQC independently or in consultation with agency staff and interested parties.
- Request EQC staff to develop a “white paper” or “issue paper” with options on how to address the issue.
- Convene subcommittee to work with staff to develop options and report back to the EQC.
- Convene a working group to work with all affected parties to develop options and report to the EQC.
Recommending actions

- EQC determines issue can be addressed through information mechanisms:
  - requests that EQC staff add information to EQC publication/website.
  - requests that EQC/agency staff develop strategies for information dissemination on issue.
  - directs EQC staff to plan a special meeting, workshop, or symposium.
  - directs EQC staff to work with other potential sponsors to plan a meeting, workshop, etc.

- EQC provides comments for inclusion in a public comment process on a proposal.

- EQC provides suggestions or general recommendations for agency actions:
  - forwards recommendations to agency via EQC letter.
  - forwards recommendations to Legislature via report.

- EQC recommends EQC staff or agency prepare specific legislative proposal:
  - study resolution for future effort
  - bill

- EQC prepares formal letter to other governing entity (e.g. Governor, Congressional delegation, multistate Commission, etc.)

- EQC recommends participation in state, regional, or national policy review group.

- EQC schedules special hearing during legislative session to discuss proposals.
Appendix E: EQC Publications

2010
- Permitting in Montana: A reference guide to three environmental permits
- Conservation Easements: 20 Things Everyone Should Know
- Montana Index of Environmental Permits (Seventeenth Edition)
- Monetary Incentives for Tourism and Recreational Access
- The Coke Can From Columbus, An analysis of methods for increasing recycling and solid waste diversion in Montana
- Harvesting Energy, An analysis of the methods for increasing the use of forest and agricultural residues for biomass-based energy generation in Montana

2009
- A Council Member's Guide to the Environmental Quality Council
- A Guide to the Montana Environmental Policy Act
- A Guide to Montana Water Quality Regulation
- EQC Brochure, 2009-10

2008
- Montana Index of Environmental Permits (Sixteenth Edition)
- A Guide to Montana Water Quality Regulation
- Electricity Law Handbook
- Water Rights in Montana
- Petroleum Tank Release Fund
- Climate Change
- Conservation Easements: 20 Things Everyone Should Know
- Water - Montana's Treasure
- Trust Land Management

2007
- A Council Member's Guide to the Environmental Quality Council
- A Guide to Split Estates in Oil and Gas Development
- Eminent Domain in Montana
- EQC Brochure, 2007-08

2006
- Financing the Administration of Montana's Trust Lands
- HJR 33: Study of Contract Timber Harvesting
- Montana Index of Environmental Permits (Fifteenth Edition)
- Improving the State Superfund Process
- HJR 10: Study of Wildland Fire Policy and Statutes
- A Guide to Split Estates in Oil and Gas Development
- Water Policy in Montana
- Split Estates: The relationship between surface and minerals
- A Guide to the Montana Environmental Policy Act
- Water Rights in Montana

2005
- A Council Member's Guide to the Environmental Quality Council
2004

- A Guide to the Montana Environmental Policy Act
- Montana Index of Environmental Permits (Fourteenth Edition)
- Water Rights In Montana
- Hydrogen, Wind, Biodiesel, and Ethanol. Alternative Energy Sources to Fuel Montana’s Future
- Metal Mine Bonding in Montana: Status and Policy Considerations
- Zortman and Landusky Mines: Water Quality Impacts
- Understanding Energy in Montana. A Guide to Electricity, Natural Gas, Coal, and Petroleum Produced and Consumed in Montana
- Electricity Law Handbook
- Montana's Water—Where is it? Who can use it? Who decides?
- An Informational Guide to State Debt
- EQC Brochure, 2003-04

2003

- Petroleum and Petroleum Products in Montana
- Montana Environmental Policy Act: Public Participation Guide
- A Council Member’s Guide to the Environmental Quality Council

2002

- Coal Bed Methane and Water Policy in Montana 2002
- A Guide to Montana Water Quality Regulation
Understanding Electricity in Montana

Electricity Law Handbook

Montana Index of Environmental Permits (Thirteenth Edition)

2001

Eminent Domain in Montana

Final Status of Natural Resource Legislation in the 57th Montana Legislature

2000


Improving the Montana Environmental Policy Act (MEPA) Process

Water Policy 2000

Funding for Growth Policies. Fact Sheet and Briefing Paper for the 57th Legislature of the State of Montana

Montana Index of Environmental Permits (Twelfth Edition)

1999

Planning for Growth in Montana

Compliance with and Enforcement of Montana’s Natural Resource and Environmental Laws

Montana’s Revised Water Quality Monitoring, Assessment, and Improvement Program (HB 546 and TMDLs in Practice)
Final Status of Natural Resource Legislation in the 56th Montana Legislature

1998
- Montana Index of Environmental Permits (Eleventh Edition)
- Montana Department of Fish, Wildlife and Parks’ Water Leasing Study. Environmental Quality Council Final Report to the 56th Legislature
- Status of and Alternatives for the Management of Waste Tires in Montana

1997
- HJR 10 Compliance and Enforcement Study
- HJR 10 Compliance and Enforcement Technical Appendix
- Final Status of Natural Resource Legislation in the 55th Montana Legislature

1996
- Our Montana Environment . . .Where Do We Stand?
- Water Policy Committee Report
- Montana Index of Environmental Permits (Tenth Edition)

1995
- SJR 29 Water Quality Nondegradation Study
- SJR 34 Hazardous Waste Management Study
- Water Policy Committee Report
- Final Status of Natural Resource Legislation in the 54th Montana Legislature
1994


1993

- Montana Index of Environmental Permits (Ninth Edition)
- Water Policy Committee Report
- House Joint Resolution 17: Interim Study of Lakeshore Development
- Final Status of Natural Resource Legislation in the 53rd Montana Legislature

1992

- Water Policy Committee Report

1991

- Senate Joint Resolution 19: Interim Study of Solid Waste Management
- Final Status of Natural Resource Legislation in the 52nd Montana Legislature
- Energy and Montana: An Overview

1990

- Senate Joint Resolution 22: Interim Study on Ground Water Quality Protection and Management
- Log Scaling Study: Final Report to the 52nd Legislature
Rural Development Study: Final Report to the Governor of the State of Montana and the Montana Legislative Council

Final Status of Natural Resource Legislation in the 51st Montana Legislature

A Study of Water Resources Research Centers and Graduate Programs in Water Resources in the United States


Report of the Water Policy Committee to the 51st Legislature of the State of Montana

House Joint Resolution 49: Forest Practices and Watershed Effects

Evaluation of Montana's Water Rights Adjudication Process

Report to the 50th Montana Legislature on the Renewable Energy and Conservation Program

Final Status of Natural Resource Legislation in the 50th Montana Legislature

Montana Legislation on Hazardous Substances in the Environment. Status and Legislative Outlook

Environmental Quality Council Annual Report: Tenth Edition: Research Topics

Montana's Water Policy: Innovations, Realities and Prospects

A Montana Water Quality Program Assessment for Oil and Gas Practices, Forest Practices and Subdivisions
1986
- Report of the Water Policy Committee to the 50th Legislature of the State of Montana
- Oil and Gas Industry Study
- Comparison of Environmental Regulation of the Oil and Gas Industry in the Rocky Mountain States and Alberta
- Montana Environmental Policy Act Review of Oil and Gas Drilling Permits

1985
- A Guide to the Montana Major Facility Siting Act
- Summary of the Report of the Select Committee on Water Marketing to the 49th Legislature
- Report of the Select Committee on Water Marketing to the 49th Legislature
- Final Status of Natural Resource Legislation in the 49th Montana Legislature
- Right-To-Know: A Guide to Montana's Employee and Community Hazardous Chemical Information Act
- Report to the 49th Legislature on the Renewable Energy and Conservation Program
- Environmental Quality Council: Annual Report Ninth Edition: Montana’s Water

1984
- Small-Scale Hydro Development in Montana

1983
- Report to the 48th Montana Legislature on the Socio-Economic Impacts of Large-Scale Hard-Rock Mining
Report to the 48th Montana Legislature on the Renewable Energy Grant and Loan Program


Montana Ground Water Status Report

1982

Environmental Regulations and Montana's Economy: A Public Forum, October 4-5, 1982


Agency Implementation of the Montana Environmental Policy Act

1981

Natural Resource Issues in the 47th Legislature

Final Status of Natural Resource Legislation in the 47th Montana Legislature

1980

HJR 60: Coordination of Permit Procedures

Promoting Industrial Growth and Diversification in Montana

A Survey of Industry Experiences and Attitudes in Montana: 1980

House Joint Resolution 21

Final Report on House Joint Resolution 51: The Problems and Benefits of Mining Bentonite in Montana

Citizen Participation in Siting Energy Facilities in Montana: Final Report

1979
- Providing Science & Technology Resource Capability for the Montana Legislature
- Environmental and Natural Resource Experts for the 1979 Legislature

1978
- Environmental Permit Directory
- Montana Environmental Index
- Oil and Gas Leasing Program: Department of State Lands
- Environmental Quality Council Annual Report: Sixth Edition
- Environmental Impact Statements: A Citizens’ Brochure

1977
- Energy and the 45th Legislature

1976
- The Montana Environmental Policy Act: A Legal Analysis of MEPA's Role
- EQC Staff Report on Prevention of Significant Deterioration
- Montana Environmental Policy Planning Process
- An Ecological Analysis of the Montana Agricultural Experiment Station's Livestock Grazing Demonstration on Reseeded Surface Mine Spoils Near Colstrip, Montana
- The Transboundary Effect: Safeguarding the Poplar River in Montana
- Montana's Natural Gas Supply Crisis
- The Montana Environmental Policy Act: The First Five Years
Montana Environmental Permit Directory


Microflora of the Yellowstone River, Part III. The Non-Diatom Algae

Microflora of the Yellowstone River, Part II. Pertubations Through Billings

A Report on Analyses of Periphyton Collections from the North Fork and the Middle Fork of the Flathead River

An Algal Survey of Surface Waters in Eastern Montana Suspected to be Influenced by Saline Seep, with Special Emphasis on Salinity Indicators and Potentially Toxic Species


1975

Montana Energy Policy Study

Oversight Hearing on Implementation of the Montana Strip Mining and Reclamation Act

Montana Environmental Indicators: Fourth Annual Report

Commerce Clause Considerations Relating to a "Local Power" Policy for Siting of Power Generation Facilities in Montana

Environmental Impacts of Saline Seep in Montana

1974

Ponderosa Pines Ranch: A Subdivision Case Study

Microflora of the Yellowstone River, Part I: Microflora in the Plankton at the Confluence of the Bighorn River
The Potential for Solar Energy in Montana
The Use of Montana's Coal as an Energy Resource
Montana Energy Policy Study: Draft Staff Report
Subdivision in the Flathead
Montana Land Use Policy Study
Impact of Land Development Associated with Subdivision on Wildlife Habitat Near Lolo
Environmental Quality Council: Third Annual Report
Oil and Gas Energy Resources of Montana
Energy Flow in Montana
Geothermal Report
The Role of the State in Federal and Indian Land Use Decisions

1973
Fundamentals of Energy Conservation in Buildings
A Perspective on Subdivision Activity in Montana's Bitterroot Valley
The Potential for Energy Conservation in Montana
Underground Natural Resources: The Development of National Policy and Strip Mining of Coal: Unsettled Legal Problems in Montana
Water and Eastern Montana Coal Development
Eastern Montana Water Resources: Annotated Bibliography
Impact of Land Development Associated with Subdivision on Wildlife Habitat
☐ Environmental Quality Council: Second Annual Report

☐ Environmental Impact Statement Guidelines, Revised

1972

☐ Environmental and Legal Problems of Land Development in Montana

☐ Coal Development Potential in Montana

☐ Environmental Quality Council: First Annual Report

1971

☐ House Bill 66. A Bill for an act entitled: An act to establish a state policy for the environment and to establish an environmental quality council and setting forth its powers and duties and providing an effective date. 1971.