

MONTANA ENVIRONMENTAL QUALITY COUNCIL

2025-26 WORK PLAN (DRAFT)

JULY 29, 2025



2025-26 work plan

This is the work plan for the Environmental Quality Council for the 2025-26 interim. This document is meant to be comprehensive, yet flexible, as topics of interest will arise and fall during the next 14 months. A work plan is designed to prioritize council time and to provide direction to staff.

HOW THE EQC PLANS ITS WORK

The EQC has a strong tradition of handling large workloads within its allotted budgets of staff time and money. The council must complete its work prior to the September 15 deadline in an even-numbered year.

During the legislative interim, the EQC typically focuses on one or more major study topics, while also maintaining oversight of programs and rulemaking activities of three agencies. (For water issues, the Water Policy Interim Committee provides oversight.)

In planning its work, the EQC considers studies requested by legislators through study resolutions, study bills, statutory mandates, and member issues. The study resolutions are ranked by the legislators and assigned to interim committees by the Legislative Council.

The work plan decision matrix (beginning on page 10) is a decision-making tool help the council set priorities and decide how and where to spend the EQC's time and resources. The council's presiding officer, in consultation with council members, works with staff to determine specific agenda items.

Once the council adopts a draft work plan, staff develops work plans and timetables for each major task. Meeting dates and a timeline of the council's work is summarized on page 7.

COMMITTEE COMPOSITION, DUTIES

State statutes provide primary guidance for the makeup and duties of the council. (See table at right and "Laws that guide EQC's work," p. 14.) Duties of the council are beyond those of a typical interim committee, such as gathering information "concerning the conditions and trends in the quality of the environment" or to "document and define changes in the natural environment."¹

WHAT DOES THE EQC DO?

Conducts interim studies

Monitors agencies

Maintains repository of MEPA reviews

Documents/defines changes in environment

Reviews administrative rules

Determines issues to examine

Proposes, reviews legislation

Reviews ballot initiatives

Publishes reference guides

¹ Section 75-1-324, MCA.

INTERIM STUDIES

The 2025 Legislature passed a study bill (HB70), and the Legislative Council assigned two study resolutions (HJ62, SJ42) to the council:²

HB70 (Study of wildland firefighting)

- Investigate state, federal operations
- Efficiency of fire suppression resources
- Effectiveness of private firefighting
- How state/federal policies affect fire, safety, suppression

HJ62 (Study of wildfire safety)

- Impacts/costs on communities, wildland-urban interface
- Fire-focused land use planning
- Existing legal/policy framework
- Solutions to alleviate risk

SJ42 (Study of noxious weed control)

- Examine current law/rules re: noxious weeds
- Research weed control strategies
- Other states' efforts
- Collaborate with stakeholders

Staff has estimated a scope of work for each study in the work plan decision matrix on page 10. While state law requires the completion of the HB70 study, the council may choose whether to conduct—and to what extent—the HJ62 and SJ42 studies.

OVERSIGHT OF AGENCIES

Under the Montana Environmental Policy Act, the EQC has broad statutory oversight authority to review agencies. The Council oversees three agencies as well as entities attached to those agencies. The oversight includes reviewing draft legislation, rule review, and program evaluation.

EQC has oversight of...

Department of Environmental Quality
Department of Natural Resources and Conservation
Department of Fish, Wildlife, and Parks

The Council may request records; make recommendations for adoption, amendment, or rejection of a rule; institute, intervene in, or otherwise participate in rulemaking proceedings; review the conduct of administrative

² See bills beginning on p. 16.

proceedings; request a legislative poll; request an economic impact statement on a rule; or object to violation of authority for a rule.

At the request of a council member, the Council reviews statutorily established advisory councils and required reports of their assigned agencies and to make recommendations regarding the retention or elimination of those advisory councils and required reports (5-5-215, MCA). Agencies must write these reports—either on paper or in electronic form.

The Legislature directs the council to play a role in specific programs or activities of state government. These directives are in addition to the more general oversight authorities for environmental programs and policies.³ While this general authority is arguably sufficient to address specific programs and policies, the Legislature directs the EQC to act as its liaison with the executive branch, particularly for new environmental programs or policies. The following table lists additional statutory duties and reports required of executive agencies (* = subject to section 5-11-210 (Clearinghouse for reports to legislature):

Reports and additional duties
LSD employee assigned to Groundwater Assessment Steering Committee (2-15-1523, MCA)
Executive agencies must file MEPA review documents with EQC (75-1-201)
Project sponsor may request meeting with EQC to discuss agency MEPA review (75-1-208)
Solid waste management and resource recovery plan (DEQ, 75-10-111) ^{4*}
Annual report of expenditure/locations using orphan share funds for remedial cleanup (DEQ, 75-10-743)*
Annual report from Libby Asbestos Oversight Committee (75-10-1601)*
Annual report of subdivision review procedures (DEQ, 76-4-116) ^{5*}
Periodic evaluation/report on implementation of Streamside Management Zone (DNRC, 77-5-301, et seq) ⁶
Biennial report of activities/expenses implementing Aquatic Invasive Species Act (FWP, DNRC; 80-7-1006)*
Annual report on activities of Invasive Species Council (80-7-1201)*
Investigation of sand and gravel deposits (MBMG, 82-2-701) ^{7*}
Biennial report from Western Montana Conservation Commission (85-1-904)*
Annual report of sage grouse populations, number of leks, and seasonal/historic data (FWP, 87-1-201)*
Upland game bird enhancement activities to each regular session of legislature (FWP, 87-1-250)*
Biennial report of future fisheries improvement program (FWP, 87-1-272)*
Annual report on gray wolf management and conservation (FWP, 87-1-901)*
Biennial report on implementation of Wildlife Habitat Improvement Act (FWP, 87-5-807)*

³ General EQC duties are listed in section 75-1-324, MCA.

⁴ Every five years.

⁵ DEQ must provide comprehensive review of subdivision review procedures by July 1, 2028.

⁶ Reporting requirement in act's 1991 statement of intent.

⁷ Report due within 1 year of investigation's start.

Annual report from Montana Sage Grouse Oversight Team (87-5-918)*
Hydrocarbon and geology investigation program (MBMG, 90-2-201) ^{8*}
Coal ash markets investigation program (MBMG, 90-2-202) ^{9*}
Annual report of expenditures from fire suppression account (DNRC, section 2, Chapter 740, Laws of 2023) ¹⁰

ADMINISTRATIVE RULES

The Legislature often authorizes administrative agencies to carry out the Legislature’s intent by adopting administrative rules. These rules have the full force and effect of law. These rules may be adopted and revised throughout the year. Administrative rule functions are governed by the Montana Administrative Procedures Act (MAPA).

During the 2023-24 interim, EQC...
...reviewed 31 notices of agency rulemaking
...objected to or delayed 0 notices

MAPA and court opinions govern the procedures and requirements for administrative rulemaking. However, only the Legislature may delegate the authority to an agency to adopt rules.

State law allows the EQC to review and monitor administrative rules promulgated by the DNRC, FWP, and DEQ, excepting when the primary concern is the quality or quantity of water. The council may participate in the rulemaking process, ranging from offering comments or suggestions to objecting and delaying a rule implementation.

REVIEW OF LEGISLATION, INITIATIVES

Council duties include reviewing natural resource-related legislation, typically related to parks and recreation, environmental protection, land resources and use, state lands, minerals, oil, and gas, and fish and wildlife. The council produces its own legislation and approves the drafting of agency legislation.

The council must also review proposed statewide ballot initiatives within these subject areas.

The initiative review process may result in additional council meetings because the council vote must be submitted to the secretary of state no later than 14 days after receipt of the final text of a statewide initiative.

The statutory requirement for interim committee review of ballot initiatives is being litigated at the Montana Supreme Court. Staff will update the committees when litigation is completed and if the committees have any duties in this area while the case is pending.¹¹

MEMBER TOPICS, EMERGING ISSUES, FIELD TRIPS

Council member topics and emerging issues drive much of EQC’s work. These usually cover a variety of natural resource-related topics and may be met with a single memo or presentation. Other topics may require a more-

⁸ Report due within 1 year of investigation’s start.
⁹ Report due within 1 year of investigation’s start.
¹⁰ By Nov. 1 of each fiscal year.
¹¹ *Ellingson v. State*, Montana Supreme Court No. DA 25-0142 (Filed Feb. 18, 2025)

comprehensive review. The council may prioritize these as the biennium progresses, as emerging issues are not known at this time. Staff will track issues raised by council members and will schedule hearings, as agreed by the council.

Occasionally, the council will meet outside of Helena. In 2024, for example, the council met in Libby (pictured on the front of this work plan), touring proposed and remediated mining and timber treatment sites. The HB70 study includes a \$50,000 appropriation, which may be used for field trips, additional meeting days, or contracted services.

SELECTED EQC OVERSIGHT ACTIVITIES, 2024-25

Fish Creek State Park recreational planning

FWP shooting range development

Critical minerals recovery at Berkeley Pit

Tour of proposed Lincoln Co. mine site

DNRC conservation easement and mineral rights in NW Montana

TIME ALLOCATION FOR COUNCIL WORK

The EQC is scheduled and budgeted for 10 meeting days across 7 sessions during this interim to work on studies, statutory duties, and member topics. At the conclusion of these meetings, the council may have developed findings and recommendations for one or more reports. The committee may have also drafted legislation.

There is approximately 1.2 FTE of staff time (approximately 2,500 work hours) available to conduct the work assigned to the EQC and the additional work the EQC votes to undertake. These priorities – and the number of staff hours devoted to a specific topic – are determined by the Council using the Work Plan Decision Matrix, which accompanies this document. As you read the work plan documents, please bear in mind a basic equation:



DRAFT 2025-26 WORK PLAN TIMELINE

Note: This is a timeline for EQC studies and other duties. It does **not** include additional meetings for field trips or review of ballot initiatives. The EQC must submit a preliminary list of meeting dates, times, and places to the Legislative Council by Aug. 15.

July 29, 2025	Nov. 4-5	Jan. 13-14, 2026	March 24 or 25	May 12-13	July 14 or 15	Sept. 7 or 8
Draft work plan	Finalize work plan	Revise work plan, as necessary				
Begin statutory duties	Continue statutory duties					
Consider study resolutions	Begin studies	Gather background	Identify options	Draft report; request public comment	Consider draft findings, recommendations; revise report; request public comment	Finalize findings, recommendations, and report
Prioritize member topics	Explore member topics					
				Propose draft legislation	Review draft legislation	Review EQC legislation for preintroduction
				Review agency legislation for preintroduction	Review agency legislation for preintroduction	Review agency legislation for preintroduction

EQC STATUTORY DUTIES

A history of EQC leadership...		
	Presiding officer	Vice presiding officer
2005-06	Rep. Debby Barret (R), Rep. Christopher Harris (D) (co-chairs)	
2007-08	Sen. David Wanzenried (D)	Rep. Carol Lambert (R)
2009-10	Rep. Chas Vincent (R)	Sen. Bradley Maxon Hamlett (D)
2011-12	Sen. Jim Keane (D)	Rep. Duane Ankney (R)
2013-14	Sen. John Brenden (R)	Rep. Bill McChesney (D)
2015-16	Sen. Gene Vuckovich (D)	Rep. Jerry Bennett (R)
2017-18	Sen. Chas Vincent (R)	Rep. Bradley Maxon Hamlett (D)
2019-20	Rep. Jim Keane (D)	Sen. Mike Lang (R)
2021-22	Sen. Mike Lang (R)	Bradley Maxon Hamlett (public member)
2023-24	Rep. Steve Gunderson (R)	Sen. Willis Curdy (D)

PUBLICATIONS LIST

The EQC uses its broad statutory authority to produce high-quality, easy-to-understand, objective, nonpartisan, educational publications in addition to interim study reports. Many of these publications are constantly requested by the public, legislators, state and federal agencies, other states, and industry and conservation groups. Some publications have been recognized nationally. State law requires the EQC publications on eminent domain and split estates be included in certain legal proceedings. These publications need periodic updating to respond to changes in laws and rules. The time and effort necessary to update these varies.

Montana Index of Environmental Permits is a complete guide to the permits and licenses needed to conduct activities that may affect the state's environment. The index lists the permits required, the permitting agencies, and the statutes and rules that regulate each permit. This index is the EQC's longest-standing publication, which was first produced in 1976 and most-recently updated in 2024.

A Guide to the Montana Environmental Policy Act was first produced at the request of Montana citizens, legislators, agencies, and interest groups to provide a reference guide to MEPA. The council has historically been active in MEPA implementation, oversight, and development of policy related to the act. This guide was first produced in 1998 and most-recently updated (online) in 2024.

Eminent Domain in Montana was first produced because of an interim study on the topic, helping citizens better understand the state's eminent domain laws. The handbook was first produced in 2001 and last updated in 2014.

The EQC conducted its first comprehensive environmental indicators project in 1975, *Our Montana Environment: Where Do We Stand?* This project quantifies changes in land use, plants and wildlife, agriculture, population, natural resources use, and other indicators. Since 2013 this project has moved online, including the development of wildfire indicators in 2017 and agriculture in 2019. A new round of indicators will be released in 2025.

Two reference guides summarizing two federal excise taxes on firearms and hunting equipment (Pittman-Robertson Wildlife Restoration funding) and another on sportfishing equipment (Dingell-Johnson Sport Fish Restoration funding). The brochures explain how the money is collected, how it is disbursed to the states, and how it may be used.

Additionally, staff in the Legislative Environmental Policy Office produce these handbooks for other interim committees:

- Understanding Energy (2024)
- Water Rights in Montana (2018)
- A Guide to Montana Water Quality Regulation (2021)

These are other LEPO publications are available through the council's website, committees.legmt.gov, or for older publications, archive.legmt.gov/committees/interim/eqc.

DECISION MATRIX

	Option A	Option B	Option C
HB70 (Study of wildland firefighting)	0.6 FTE <ul style="list-style-type: none"> •All of option B •Add'l field hearings, HB70-specific, or subcommittee meetings •In-depth legal analysis of selected issues •Specific data analysis/modeling •Contract with consultant for specific analysis/project/deliverable •Deliverables: Final report with recommendations, legislation 	0.4 FTE <ul style="list-style-type: none"> •All of option C •1-2 field hearings or add'l HB70-specific council meetings •Creation, meeting of subcommittees •Solicitation and consideration of public comments/input •Analysis of relevant laws, actions, policies, data, legal decisions, budgets, other states policies •Deliverables: report, legislation 	0.2 FTE <ul style="list-style-type: none"> •Review of relevant laws, policies, legal decisions, budgets related to wildland firefighting •Panel discussion(s) with relevant public officials (local, state, federal, tribal), landowners, contractors/industry •Summary of other states' policies •Deliverables: Brief report, legislation
HJ62 (Study of wildfire safety)		0.3 FTE <ul style="list-style-type: none"> •All of option C •Field trip •Analysis of relevant laws, actions, policies, legal decisions, and experiences of other states •Create subcommittee or work group of interested parties •Legal or data modeling/analysis of identified areas •Deliverables: report, recommendations, legislation 	0.1 FTE <ul style="list-style-type: none"> •Review relevant laws, policies, and legal decisions •Panel discussion w/firefighters, planners, builders, homeowners, •Summarize related information in other states •Deliverables: brief report, legislation

	Option A	Option B	Option C
SJ42 (Study of noxious weed control)	0.3 FTE <ul style="list-style-type: none"> •All of option B •Analyze relevant laws, actions, policies, legal decisions, experiences in other states, incl. •Weed district ID and establishment •Weed board and coordinators' responsibilities and enforcement •Statutory language, layout, and organization •Examine safety/liability protections for coordinators. •Deliverables: Final report with recommendations; Legislation to reorganize and consolidate statutes, add protections for coordinators 	0.2 FTE <ul style="list-style-type: none"> •All of option C •Field trip to a Weed District •Examine responsibilities of weed boards and coordinators, identify areas of need. •Examine currently available noxious weed control methods in industry. •Identify any effects that updating statutory language could have on funding. •Deliverables: Report of committee's findings; legislation to clarify responsibilities and enforcement for weed boards and commissions; framework for other, future control methods 	0.1 FTE <ul style="list-style-type: none"> •Panel discussion •Staff background paper/ presentation on existing statutes, including funding mechanisms, methods of weed control, and responsibilities of weed boards and coordinators. •Deliverables: Brief report; legislation to update definitions and archaic language only.

	Option A	Option B	Option C
Statutory duties	0.5 FTE <ul style="list-style-type: none"> •Fulfill all statutory requirements •Establish MEPA training and training schedule for state employees and others •Review and comment on certain agency MEPA documents for compliance and consistency •Review and comment as a council on environmental reviews for selected projects •Collect environmental trend information. Create online repository. •Participate in all mandatory meetings and other environmental policy meetings (BER, FWP Commission, etc.) •Provide MEPA training to state agencies on as-requested basis. Conduct needs assessment and develop periodic training schedule accordingly •Notify/solicit permit applicants to present MEPA concerns to EQC 	0.2 FTE <ul style="list-style-type: none"> •Fulfill statutory requirements in greater detail •Accept reports and select some for EQC review, analysis, and comment •Select specific topics for further analysis or presentation •Collect environmental trend information. Create online repository •Review selected, controversial MEPA documents/projects 	0.1 FTE <ul style="list-style-type: none"> •Fulfill statutory requirements at minimal level of effort •Accept reports •Participate, observe relevant meetings, as necessary •Identify and describe trends in EQC interim study work •Request trend information for each topic reviewed by EQC •Collect environmental trend information. Create online repository •Provide requested MEPA information to state agencies •Track MEPA litigation
Agency oversight		0.2 FTE <ul style="list-style-type: none"> •Includes Option C •More intensive review of administrative rules. Attorney provides synopses of significant and controversial proposed rules •Active EQC review of rules and legislation •Consistent EQC involvement encompassing a broad range of oversight issues •Report, recommendation, legislation for changes in state policy 	0.1 FTE <ul style="list-style-type: none"> •Organize oversight issues, as requested •Review advisory councils and reports •Council members receive copies of rule notices for proposed adoption of rules •Review draft agency legislation •Oversight on as-needed basis •Legislation (if any)

	Option A	Option B	Option C
EQC publications	Up to 0.3 FTE <ul style="list-style-type: none"> •Includes Option B •Identify publications for rewrite, redesign 	0.1 FTE <ul style="list-style-type: none"> •Includes Option C •Rewrite and edit for clarity •Identify topics for informational pamphlet, if necessary 	0.05 FTE <ul style="list-style-type: none"> •Update publications to reflect statutory changes
Member topics, emerging issues	Up to 0.25 FTE		

5-16-101. Appointment and composition. The environmental quality council consists of 17 members as follows:

(1) the governor or the governor's designated representative is an ex officio member of the council and shall participate in council meetings as a nonvoting member;

(2) six members of the senate and six members of the house of representatives appointed before the 50th legislative day in the same manner as standing committees of the respective houses are appointed. Four of the appointees of each house must be members of the majority party and two appointees of each house must be members of the minority party.

(3) four members of the general public. Two public members must be appointed by the speaker of the house with the consent of the house minority leader, and two must be appointed by the president of the senate with the consent of the senate minority leader.

5-16-102. Qualifications. (1) In considering the appointments under 5-16-101(2) and (3), consideration must be given to the appointees' qualifications to:

(a) analyze and interpret environmental trends and information of all kinds;

(b) appraise programs and activities of the state government in the light of the policy set forth in 75-1-103;

(c) be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the state; and

(d) formulate and recommend state policies to promote the improvement of the quality of the environment.

(2) At least 50% of the members appointed pursuant to 5-16-101(2) must be selected from the standing committees that consider issues within the jurisdiction of the environmental quality council.

75-1-302. Meetings. The council may determine the time and place of its meetings but shall meet at least once each quarter. Each member of the council is entitled to receive compensation and expenses as provided in 5-2-302. Members who are full-time salaried officers or employees of this state may not be compensated for their service as members but shall be reimbursed for their expenses.

75-1-311. Examination of records of government agencies. The council shall have the authority to investigate, examine, and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana.

75-1-312. Hearings — council subpoena power — contempt proceedings. In the discharge of its duties, the council may hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court. In case of disobedience on the part of a person to comply with a subpoena issued on behalf of the council or a committee of the council or of the refusal of a witness to testify on any matters regarding which the witness may be lawfully interrogated, it is the duty of the district court of any county or the judge of the district court, on application of the council, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court on a refusal to testify in the court.

75-1-313. Consultation with other groups — utilization of services. In exercising its powers, functions, and duties under parts 1 through 3, the council shall:

(1) consult with such representatives of science, industry, agriculture, labor, conservation organizations, educational institutions, local governments, and other groups as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations and individuals in order that duplication of effort and expense may be avoided, thus assuring that the council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

75-1-323. Staff for environmental quality council. The legislative services division shall provide sufficient and appropriate support to the environmental quality council in order that it may carry out its statutory duties, within the limitations of legislative appropriations. The environmental quality council staff is a principal subdivision within the legislative services division. There is within the legislative services division a legislative environmental analyst. The legislative environmental analyst is the primary staff person for the environmental quality council and shall supervise staff assigned to the environmental quality council. The environmental quality council shall select the legislative environmental analyst with the concurrence of the legislative council.

75-1-324. Duties of environmental quality council. The environmental quality council shall:

- (1) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret the information for the purpose of determining whether the conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the legislature studies relating to the conditions and trends;
- (2) review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which the programs and activities are contributing to the achievement of the policy and make recommendations to the governor and the legislature with respect to the policy;
- (3) develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;
- (4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;
- (5) document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;
- (6) make and furnish studies, reports on studies, and recommendations with respect to matters of policy and legislation as the legislature requests;
- (7) analyze legislative proposals in clearly environmental areas and in other fields in which legislation might have environmental consequences and assist in preparation of reports for use by legislative committees, administrative agencies, and the public;
- (8) consult with and assist legislators who are preparing environmental legislation to clarify any deficiencies or potential conflicts with an overall ecologic plan;
- (9) review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among the activities and with a general ecologic perspective, and suggest legislation to remedy the situations; and
- (10) except as provided in 5-5-231, perform the administrative rule review, draft legislation review, program evaluation, and monitoring functions of an interim committee for the following executive branch agencies and the entities attached to the agencies for administrative purposes:
 - (a) department of environmental quality;
 - (b) department of fish, wildlife, and parks; and
 - (c) department of natural resources and conservation.



AN ACT REQUIRING A STUDY OF STATE FIRE SUPPRESSION ISSUES, METHODS, AND COSTS; PROVIDING AN APPROPRIATION; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, since the destructive Big Burn of 1910, federal wildfire policy has been to suppress fires at all costs, resulting in forests that are overstocked with fuel; and

WHEREAS, wildfires now consume twice as much land each year on average than in the 1990s, a trend expected to continue; and

WHEREAS, more than one-third of Montana homes are exposed to moderate to high wildfire risk; and

WHEREAS, a variety of factors have exacerbated the risks, including regulatory red tape, incomplete government partnerships, unexplored economic benefits, and unrecognized risk sharing; and

WHEREAS, environmental reviews, endangered species concerns, and pernicious litigation prevent necessary mechanical treatment and prescribed burns, which could lessen ladder and canopy fuels, reduce fuel loads, and improve habitat; and

WHEREAS, profitable markets for shrubs and small-diameter trees may be developed in engineered-wood plants to produce oriented-strand board, biochar, or wood chips; and

WHEREAS, use of prescribed fires as a management tool should be encouraged, perhaps as a recognized property right, expanded liability protections, or certified burning; and

WHEREAS, controlled livestock grazing can be an effective tool for managing fuel loads; and

WHEREAS, as the number of homes in areas with moderate or high wildfire risk has doubled since 1990, volunteer, local, state, and federal authorities are faced with protecting these structures; and

WHEREAS, improved cooperation between states, tribes, and counties can together improve forest health and reduce wildfire risk; and

WHEREAS, use of all resources should be examined to maximize private, local government, and state fire resources; and

WHEREAS, the Montana Legislature, which sets policy for and pays for much of the wildland firefighting on behalf of state taxpayers, has not fully examined these and other related issues since 2009.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Study of state fire suppression issues, methods, and costs. (1) The environmental quality council provided for in 5-16-101 shall conduct a comprehensive fire suppression study.

(2) The study must include an investigation of:

(a) firefighting operations in Montana by the state and federal governments, including operations on tribal land and private land, and the management policies affecting the success of those operations;

(b) the efficient use of fire suppression resources, including equipment and firefighters;

(c) the impact of operations on private land and the effective use of private resources to fight fires;

and

(d) state and federal forest management and grazing policies and how those policies may potentially affect the number of wildfires, safety risk to firefighters, or fire suppression efforts.

(3) The environmental quality council shall complete the study by September 15, 2026, and report its findings and recommendations, including legislation, to the 70th legislature.

Section 2. Appropriation. There is appropriated \$50,000 from the general fund to the legislative services division for the biennium beginning July 1, 2025, to pay for costs associated with the study required under [section 1.]

Section 3. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.

(2) If the appropriation in [section 2] is vetoed, then [this act] is void.

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Termination. [This act] terminates December 31, 2026.

- END -



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WILDFIRE PREVENTION AND RESILIENCE; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, extreme hot, dry, and windy conditions are increasingly prevalent in Montana and throughout the Western United States; and

WHEREAS, the conditions in Montana can make fires more frequent, damaging, and expensive to control or suppress, even in areas of prior fuels treatment, which affects the safety of residents and firefighters, the economy, and the health of Montana's lands and waters; and

WHEREAS, Montana has the second-highest share of properties at risk in the Western United States, which contributes to insurance unaffordability and inaccessibility and exacerbates an existing housing affordability crisis in the state; and

WHEREAS, numerous studies have confirmed alarming statistics about Montana's unique and growing vulnerability to wildfire in the 21st century, such as that more than 70% of all recorded wildfires in Montana history have occurred since 2000, more than 90% of Montana's population is in counties with high wildfire risk, and over the past 20 years wildfires have destroyed more than 1,400 homes, businesses, and other structures in Montana; and

WHEREAS, Montana's existing policies and authorities to build for wildfire resilience are not broadly accessible and are not providing community-scale risk reduction; and

WHEREAS, Montana faces rapidly rising housing costs that could be exacerbated by catastrophic disasters, further damaging local economies and communities if additional strategies to reduce risk are not taken; and

WHEREAS, in the spirit of spurring comprehensive reform, the Legislature recognizes that additional

proven policies and strategies to avoid community destruction from fire exist and merit deeper review for the benefit of all Montanans; and

WHEREAS, community-scale risk reduction in the form of defensible space around homes, widespread use of wildfire-resistant building materials, and thoughtful planning provide a necessary defense against exacerbating the hazards and risks of wildfires that enter the urban landscape; and

WHEREAS, thoughtful risk reduction is affordable, cost-effective and necessary in order to reduce the risk of wildfire damage to Montana communities, help protect firefighters, and offer the potential to improve housing affordability by reducing insurance premiums; and

WHEREAS, far-sighted community planning has been shown to provide mutual benefits not only to the state's infrastructure but also to the unique outdoor values that Montanans cherish and rely on to support our local economies, our hunting and fishing traditions, and our time-honored way of life.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to examine:

- (1) the scope of wildfire impacts on communities, including:
 - (a) the prevalence of wildfires' worsening impacts on population centers in the 21st century;
 - (b) the economic, social, and ecological costs of fires in the wildland-urban interface, including how rising costs impact community resilience; and
 - (c) the costs and benefits of postfire rehabilitation and recovery versus prefire home hardening and community resilience through planning;
- (2) the role of wildfire-focused land use planning in supporting effective wildfire response, including:
 - (a) the role of building materials and nonvegetated buffers, also known as defensible space, in fire spread, speed, and intensity, both on an individual property and on a community-wide scale; and
 - (b) the benefits of maintaining open routes of ingress and egress, water availability, maintained open space buffers, and other innovative land management concepts to improve public safety and reduce the

impacts of wildfire on property and communities;

- (3) the current legal and policy framework regarding wildfire resilience in Montana, specifically:
 - (a) the barriers to widespread adoption of the state's existing laws and regulations; and
 - (b) the factors that reduce the efficacy of the existing framework;
- (4) solutions that can alleviate risk in Montana, including examples of:
 - (a) how to incentivize action at the community level, including tax incentives, cost-share programs, grant programs, and other pathways to ease property owners' burden; and
 - (b) effective statewide regulation of building materials, development patterns, landscaping guidelines, and vegetation management in the wildland-urban interface, including:
 - (i) how the state can allow local jurisdictions to adopt more robust codes and standards than the state baseline that will allow high-hazard communities to protect homes, businesses, and their economies while not placing an onerous burden on lower-hazard communities;
 - (ii) the role of state agencies in effectively acting as liaisons and experts to municipal government in enacting and enforcing statewide wildfire resilience codes;
 - (iii) the development of hazard and risk maps that can inform property owners and local governments where areas of higher or lower hazard exist; and
 - (iv) solutions that effectively balance oversight and enforcement with on-the-ground conditions and flexibility for property owners.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

- END -



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON NOXIOUS WEED CONTROL; REVIEWING THE POWERS OF THE DISTRICT WEED BOARD AND THE DISTRICT WEED COORDINATOR IN ENFORCING NOXIOUS WEED COMPLIANCE; EXAMINING WAYS TO IMPROVE CLARITY AND CONSISTENCY OF EXISTING STATUTE; RESEARCHING AND PROVIDING A FRAMEWORK FOR OTHER METHODS OF NOXIOUS WEED CONTROL TO BE ADDED TO STATE LAW; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE IN THE FORM OF INTRODUCED LEGISLATION.

WHEREAS, noxious weeds are defined in section 7-22-2101, MCA, as "any exotic plant species established or that may be introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities"; and

WHEREAS, existing statutes regarding the control of noxious weeds are spread across no fewer than eight different titles in the Montana Code Annotated; and

WHEREAS, existing powers and responsibilities of the District Weed Board and the District Weed Coordinator in enforcing noxious weed compliance are unclear.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to:

(1) examine current state law and department rules related to the containment, suppression, and, where possible, eradication of noxious weeds in Montana, including but not limited to:

- (a) weed and pest control in Title 7, chapter 22, MCA;
 - (b) weed control responsibility in Title 70, chapter 30, part 3, MCA;
 - (c) wild and scenic resources in Title 76, chapter 12, MCA, and rangeland resources in Title 76, chapter 14, MCA;
 - (d) administration of state lands in Title 77, chapter 1, parts 1 and 8, MCA;
 - (e) disease, pest, and weed control in Title 80, chapter 7, MCA;
 - (f) reclamation in Title 82, chapter 4, MCA;
 - (g) water use lease management in Title 85, chapter 1, part 8, MCA;
 - (h) Department of Fish, Wildlife, and Parks weed control on public lands in Title 87, chapters 1 and 5, MCA; and
 - (i) noxious weed management in Title 4, chapter 4.5, ARM;
- (2) research currently available noxious weed control strategies, including herbicides, materials, and equipment;
- (3) examine how other states have incorporated noxious weed control in statute, including the organization of statutes and the definitions involved, as well as enforcement, responsibilities, and penalties;
- (4) propose legislation to:
- (a) update terminology and definitions to be consistent with current industry standard practice; and
 - (b) modernize and reorganize archaic statute language for conformity with the Montana Bill Drafting Manual; and
- (5) collaborate on this issue with relevant stakeholders, including but not limited to:
- (a) current and former Montana district weed coordinators for weed management districts organized under section 7-22-2102, MCA;
 - (b) the Montana Weed Control Association;
 - (c) the Noxious Weed Management Advisory Council provided for in section 80-7-805, MCA;
 - (d) district weed boards created under section 7-22-2103, MCA;
 - (e) commercial applicators as defined in section 80-8-102, MCA;
 - (f) the Montana State University-Bozeman extension service;
 - (g) the Invasive Species Council established in section 2-15-3309, MCA;

- (h) the Fish and Wildlife Commission established in section 2-15-3402, MCA;
- (i) the State Parks and Recreation Board established in section 2-15-3406, MCA;
- (j) the Department of Agriculture provided for in section 2-15-3001, MCA;
- (k) the Department of Natural Resources and Conservation provided for in section 2-15-3301, MCA;
- (l) the Department of Fish, Wildlife, and Parks provided for in section 2-15-3401, MCA; and
- (m) representatives of each federally recognized tribal government in Montana.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature in the form of introduced legislation.

- END -