

RULE REQUEST STATEMENT

This outline contains the minimum elements to be considered when preparing a rule. This document will be used by the DOR ARM Team to decide whether or not the proposed rule action is necessary and if so what priority it should have. Since the person proposing the rule may not be present to explain the how and why, the information contained on the form should be concise, factual and convincing.

1. Abstract

- a. This should be a short description of the proposed rule, why it is necessary, development authority and which Division will administered the rule(s). Indicate if outside coordination will be necessary and if a particular timeline may be required.

2. Justification (must conform to 2-4-305(6)(b), MCA, the statement of reasonable necessity)

- a. Legislation passed by the Montana legislature directing the development of the rule(s).
- b. Changes to any federal regulation requiring amendments or adoption of rule(s).
- c. The rule is in response to a petition for declaratory ruling and the department has been directed to proceed with rulemaking – industry successfully petitioned the department to amend or adopt rules.
- d. Significant public impact or program requirement.

3. Alternatives available to rulemaking

- a. Legislation may be more appropriate.
- b. Other developments that could provide same result.
- c. Policy or procedural development.

4. Description of the proposed rule should address at least the following areas

- a. Public interest.
- b. Possible controversy.
- c. Program impacts.
 - i. staffing needs – other divisions or departments
 - ii. budget needs
 - iii. local government coordination

5. Recommended priority

- a. Why should this rule be considered a higher priority than others on the schedule
 - i. Legislative mandate.
 - ii. Response to litigation.
 - iii. Public request.
 - iv. Response to federal law or rule changes elsewhere.
 - v. Other.

6. Other participants (besides team members previously identified)

- a. Other state and federal agencies.
- b. Local government.
- c. Private organizations or key corporate representatives.