

4-000 PETITIONING FOR RULE MAKING

4-001 Rule Making Petition

4-001.01 Petition: Any person may petition the Department requesting the promulgation, amendment, or repeal of a rule or regulation.

4-001.02 Form: The petition shall -

1. Be clearly designated as a petition for a rules change;
2. In the case of a proposed new rule or amendment of an existing rule, set forth the desired rule in its entirety. ;
3. In the case of a petition for the repeal of an existing rule, be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by Department rule number;
4. Describe the reason for the rules change;
5. Include an address and telephone where the petitioner can be reached during regular work hours;
6. Be signed by -
 - a. The petitioner or his or her attorney in which case the attorney shall also state his or her address and telephone number; and
 - b. A duly authorized officer of the petitioner, if petitioner is a corporation or other legal entity.

4-002 Petition Consideration and Disposition: Within 60 days after submission of a petition, the Department shall -

1. Deny the petition in writing, stating its reasons therefor; or
2. Initiate rulemaking or regulation making proceedings in accordance with the Administrative Procedure Act; and
3. If otherwise lawful, adopt a rule or regulation.