

350.255 Petition for initiation of proceeding for issuance, amendment or repeal of a regulation -- Notice -- Hearing -- Order -- Judicial review.

Any person may petition the secretary of the Energy and Environment Cabinet to initiate a proceeding for the issuance, amendment, or repeal of any regulation under this chapter.

- (1) Notice and an opportunity shall be provided for the petitioner and any person wishing to participate to be heard at a public hearing within thirty (30) days following the filing of the petition on the facts, technical justification, and law alleged in the petition.
- (2) The secretary shall render a final order in writing within thirty (30) days after the hearing granting or denying the petition on grounds that there is a reasonable basis for the petitioned rule change, or is not, or that it is required or prohibited by law and setting forth the reasons for the decision.
- (3) The secretary shall initiate a rulemaking proceeding pursuant to KRS Chapter 13A within thirty (30) days after a petition is granted proposing the issuance, amendment, or repeal of the petitioned regulations in conformity with the final order.
- (4) Any participant in the petition proceedings may seek review in the Circuit Court of Franklin County of a final order of the secretary denying all or any portion of the action requested in a petition.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1883, effective July 15, 2010. -- Amended 1994 Ky. Acts ch. 178, sec. 5, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 304, sec. 5, effective July 14, 1992; and ch. 429, sec. 22, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 377, sec. 7. -- Created 1980 Ky. Acts ch. 209, sec. 3.

Legislative Research Commission Note (7/14/92). This section was amended by 1992 Acts chs. 304 and 429 which are in conflict. Pursuant to KRS 446.250, Acts ch. 429 which was last enacted by the General Assembly prevails.

Legislative Research Commission Note (10/05/90). Pursuant to KRS 7.136(1), KRS Chapter 13A has been substituted for the prior reference to KRS Chapter 13 in this statute. The sections in KRS Chapter 13 were repealed by 1984 Ky. Acts ch. 417, sec. 36, and KRS Chapter 13A was created in that same chapter of the 1984 Ky. Acts.