**Section 961.40 Petition Consideration**

a) In making a determination regarding the petition, the Department will take into consideration such factors as the proposal's compliance with the statutory authority and legislative intent upon which it is based, whether the proposal meets the definition of a rule pursuant to Section 1-70 of the IAPA, and if the proposal is enforceable.

b) If after careful consideration, the Department elects to initiate rulemaking proceedings in accordance with Section 5-35 of the IAPA, the Department shall notify the petitioner in writing of its intentions.

(Source: Amended at 38 Ill. Reg. 19934, effective September 30, 2014)