

RULE.

(B) THE COURT SHALL DECLARE THE RULE INVALID IF IT FINDS THAT IT VIOLATES CONSTITUTIONAL PROVISIONS OR EXCEEDS THE STATUTORY AUTHORITY OF THE AGENCY OR WAS ADOPTED WITHOUT COMPLIANCE WITH STATUTORY RULE MAKING PROCEDURES.

(C) THE PROVISIONS OF A RULE ARE SEVERABLE UNLESS THE RULE EXPRESSLY STATES THAT ITS PROVISIONS ARE NOT SEVERABLE. THE FINDING BY A COURT THAT A PROVISION OF A RULE IS VOID OR UNENFORCEABLE DOES NOT AFFECT THE VALIDITY OF ANY OTHER PROVISIONS OF THE RULE UNLESS THE COURT FINDS THE REMAINING VALID PROVISIONS ALONE ARE INCOMPLETE AND INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH THE REGULATORY INTENT.

238.

ON PETITION OF ANY INTERESTED PERSON OR CORPORATION, ANY AGENCY MAY ISSUE A DECLARATORY RULING WITH RESPECT TO THE APPLICABILITY TO ANY PERSON, CORPORATION, PROPERTY OR STATE OF FACTS OF ANY RULE OR STATUTE ENFORCEABLE BY IT. A DECLARATORY RULING, IF ISSUED AFTER ARGUMENT AND STATED TO BE BINDING, IS BINDING BETWEEN THE AGENCY AND THE PETITIONER ON THE STATE OF FACTS ALLEGED, UNLESS IT IS ALTERED OR SET ASIDE BY A COURT. SUCH A RULING IS SUBJECT TO REVIEW IN THE CIRCUIT COURT OF ~~THE AGENCY'S~~ WASHINGTON COUNTY IN THE MANNER PROVIDED FOR THE REVIEW OF DECISIONS IN CONTESTED CASES. EACH AGENCY SHALL PRESCRIBE BY RULE THE FORM FOR SUCH PETITIONS AND THE PROCEDURE FOR THEIR SUBMISSION, CONSIDERATION, AND DISPOSITION.

239.

(A) IN ANY CONTESTED CASE, ALL PARTIES SHALL BE AFFORDED AN OPPORTUNITY FOR HEARING AFTER REASONABLE NOTICE. THE NOTICE SHALL STATE THE TIME, PLACE AND ISSUES INVOLVED, BUT IF, BY REASON OF THE NATURE OF THE PROCEEDING, THE ISSUES CANNOT BE FULLY STATED IN ADVANCE OF THE HEARING, OR IF SUBSEQUENT AMENDMENT OF THE ISSUES IS NECESSARY, THEY SHALL BE FULLY STATED AS SOON AS PRACTICABLE, AND OPPORTUNITY SHALL BE AFFORDED ALL PARTIES TO PRESENT EVIDENCE AND ARGUMENT WITH RESPECT THERETO.

(B) THE AGENCY SHALL PREPARE AN OFFICIAL RECORD, WHICH SHALL INCLUDE TESTIMONY AND EXHIBITS, IN EACH CONTESTED CASE, BUT IT SHALL NOT BE NECESSARY TO TRANSCRIBE SHORTHAND NOTES UNLESS REQUESTED FOR PURPOSES OF REHEARING OR COURT REVIEW.

(C) INFORMAL DISPOSITION MAY ALSO BE MADE OF ANY CONTESTED CASE BY STIPULATION, AGREED SETTLEMENT, CONSENT ORDER, OR DEFAULT.

(D) EACH AGENCY SHALL ADOPT APPROPRIATE RULES OF PROCEDURE FOR NOTICE AND HEARING IN CONTESTED CASES.

240.