**Section 100.415 Other Statutory Requirements for Rulemaking**

The following are statutory requirements for rulemaking:

a) Regulatory Flexibility

1) During the first notice period specified in Section 100.400, and pursuant to Section 5-30(c) of the IAPA, *the Secretary of State shall provide to the Department of Commerce and Community Affairs a copy of any proposed rules or amendments accepted for publication.*

2) Prior to or during the first notice period, if the agency or the Department of Commerce and Community Affairs determines that there is an impact on small businesses, not for profit corporations or small municipalities the agency shall provide additional notices to the impacted entities by using one or more of the following, pursuant to Section 5-30(b) of the Act:

A) *The inclusion in any advance notice of possible rulemaking* *of* *a statement that the rule may have an impact on small businesses, not for profit corporations, or small municipalities*.

B) *The publication of a notice of rulemaking in publications likely to be obtained by small businesses, not for profit corporations, or small municipalities*.

C) *The direct notification of interested small businesses, not for profit corporations, or small municipalities*.

D) *The conduct of public hearings concerning the impact of the rule on small businesses, not for profit corporations, or small municipalities*.

E) *The use of special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses, not for profit corporations, or small municipalities*.

3) During the first notice period, the Department of Commerce and Community Affairs, if it determines that the rulemaking will have an impact on small businesses, may complete a Regulatory Flexibility Notice to be published in the Illinois Register.

4) Pursuant to Section 5-30 of the IAPA, the agency shall consider the impact of the rulemaking on small businesses, not for profit corporations, or small municipalities, using as guidelines Section 5-30(a)(1) through (5) of the IAPA.

5) Agencies shall include the initial regulatory flexibility analysis on the Notice of Proposed Rules (Amendments, Repealers) for Illinois Register publication and a final regulatory flexibility analysis when submitting the proposed rule(s) to JCAR for the second notice period. If an agency determines that its rulemaking does not affect small businesses, not for profit corporations or small municipalities, it shall so state on the Notice of Proposed Rules (Amendments, Repealer). The term "n/a" shall not be accepted.

b) Statement of Statewide Policy Objectives

This statement, pursuant to Section 5 of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2205) [30 ILCS 805/5], shall be included on the Notice of Proposed, Emergency, or Peremptory Rules for Register publication. *This statement must justify the imposition of the proposed requirements which would* *necessitate* *a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues,* *and must explain why such policy objectives cannot be achieved in the absence of these proposed requirements*.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)