**Section 220.600 Required Contents of Second Notice**

a) Submission of Second Notice

A second notice that contains the information specified in subsections (1) through (14) of this subsection (a) will be accepted by the Joint Committee. A second notice that does not include the information required by this Section will not be accepted and will be returned to the agency within 2 working days after receipt with an explanation of the reason for the return.

1) The name of the agency.

2) The Title and Illinois Administrative Code citation of the proposed rulemaking.

3) The date, issue, and page number of the Illinois Register in which the first notice was published.

4) The full text and specific location of any changes made in the rule during the first notice period, which shall be submitted in the form specified in subsection (b) of this Section. In the event that the Joint Committee cannot produce and provide a copy of the rulemaking to the agency, pursuant to subsection (b)(1) below, the Joint Committee will so inform the agency and the agency may submit its Second Notice version of the rulemaking by one of the following methods:

A) The original text of the proposed rulemaking showing the specific additions and deletions which were made during the first notice period; or

B) A complete listing of all of the Sections of the rulemaking which were changed, showing the exact changes which were made during the first notice period; or

C) If the only changes which were made in the rulemaking were those requested by the Administrative Code Division, a copy of the memorandum issued by the Administrative Code Division to the agency, and a statement that those changes, and only those changes will be made in the adopted rule.

5) A response to any recommendations made by the Administrative Code Division for changes in the rules to make them comply with the codification scheme and to correct errors pursuant to Section 5-80(b) of the Act, and the specific reasons for agency rejection of any recommendations.

6) A statement that the rulemaking does or does not include an incorporation by reference pursuant to Section 5-75 of the Act, the location in the rulemaking of the incorporation, and a copy of the cover page of the incorporated material and the specific material to be incorporated by reference.

7) *A final regulatory flexibility analysis, which shall include the following*:

A) *a* *summary of the issues raised by small businesses during the first notice period;* and

B) *a* *description of actions taken on any alternatives to the proposed rulemaking suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized* (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(c)) [5 ILCS 100/5-40(c)].

8) A statement of the methods used by the agency to comply with Section 5-30 of the Act and Section 220.285 of this Part.

9) *An evaluation of all comments received by the agency concerning the proposed rulemaking during the first notice period* pursuant to Section 5-100(e)(2) of the Act. This evaluation need not include an evaluation of any questions raised by the Joint Committee. The failure of an agency to evaluate, pursuant to this Section, the comments received will be deemed to be an incomplete second notice. The evaluation must include the following information:

A) a list of all persons or organizations making comments on the proposed rulemaking;

B) a list of specific criticisms, suggestions and comments raised by interested persons, and the agency's analysis of each of these criticisms, suggestions and comments;

C) any changes made to the rules by the agency as a result of criticisms, suggestions and comments made by interested persons; and

D) The names of all the persons or organizations requesting a public hearing and the date of any public hearings held on the proposed rulemaking.

10) The *justification and rationale for the rulemaking* required by Section 5-100(e)(4) of the Act. The justification and rationale shall include the following:

A) citations to changes in Illinois laws that require the rulemaking;

B) explanation of changes in agency policies and procedures that require the rulemaking;

C) citations to federal laws, rules or regulations, or to funding requirements that require the rulemaking;

D) citations and copies of court orders or decisions that require the rulemaking; and

E) A complete explanation of any other reasons for the proposed rulemaking.

11) The name, address and telephone and telefax numbers of the agency's representative who will respond to the Joint Committee questions regarding the proposed rulemaking.

12) If requested by the Joint Committee pursuant to Section 220.275 of this Part, completion of the State Mandates Act Questionnaire (Exhibit A).

13) If requested by the Joint Committee as provided in Section 220.300 of this Part and Section 5-100(e) of the Act, a completed *analysis of the economic and budgetary effects of the proposed rulemaking* (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(c)) [5 ILCS 100/5-40(c)]. The analysis shall be in the form shown in Exhibit B of this Part. If the agency is unable to provide any information required for the analysis, the specific reasons and justification for not completing the analysis shall be included.

14) Any new or revised form referenced in a proposed rulemaking if those forms are not included within that rulemaking (Ill. Rev. Stat. 1991, ch. 127, par. 1005-110(i)) [5 ILCS 100/5-110(i)].

b) Text Changes

1) Effective May 1, 1994, during the first notice period, JCAR will send to the agency a copy of the rulemaking, produced on the Administrative Code database material on the Legislative Information System, that includes line numbers. Effective July 1, 1994 when giving second notice, the agency shall submit, in accordance with subsection (a)(4) of this Section, a detailed list of changes made in the rule during the first notice period, in the form shown in Exhibit K, including changes made in response to the Secretary of State's comments pursuant to Section 5-80 of the Act. The location of all changes shall be identified by line number (see above). The language change shall be designated by reference, enclosed within quotation marks, to the words being changed, added or deleted. Replacement language, also within quotation marks, shall be shown as underlined (new language) or struck (language being deleted), only if that language is being added to or deleted from existing Code text.

2) Only those changes indicated in the First Notice Changes submission will be recognized.

3) Effective July 1, 1994, upon acceptance of a second notice, JCAR will produce a line numbered copy of the rulemaking that integrates the changes indicated on the First Notice Changes submission. Any changes made in the rulemaking during the second notice period will be indicated in the same format described in Exhibit K, except that the document will be entitled Second Notice Changes. At the end of the second notice period, JCAR will forward a copy of both the First Notice Changes and the Second Notice Changes, if any, to the Administrative Code Division.

(Source: Amended at 18 Ill. Reg. 4758, effective March 14, 1994)