**Section 100.400 Required Notice Periods**

a) There are two notice periods required in rulemaking, pursuant to Section 5-40 of the IAPA:

1) *The first notice period is at least 45 days in length from the date the proposed rules appear in the Illinois Register. During this first notice period, the agency must allow interested persons who submit a request to comment during the first 14 days of the notice period reasonable opportunity to comment on the proposed rule. Request to comment may be submitted either orally or in writing at the agency's discretion.* If a public hearing is to be held on the proposed rule, and notice of such does not appear on the Notice of Proposed Rules (Amendments, Repealers) published in the Register, the agency may submit a Notice of Public Hearing on Proposed Rules for Register publication. (See 100.Appendix A, Illustration E) This Notice must meet the publication requirements outlined in Section 100.220.

2) *The second notice period begins on the day JCAR receives written notice from the agency and expires 45 days later unless, prior to that time, the agency and JCAR have agreed to extend the second notice period beyond 45 days for a period not to exceed an additional 45 days or the agency receives either a statement of objection from JCAR or notification that no objection will be raised.*  (See 1 Ill. Adm. Code 220 for information on submitting rules to JCAR for the second notice period.)

b) No more than one year may elapse from the date the proposed rule appeared in the Illinois Register until the date the rule is adopted or filed with the Index Department. Should more than one year elapse, such rule shall not be adopted or filed with the Index Department. (See Section 5-40(e) of the Act) For example, if a proposed rule appears in the Illinois Register on March 1 of one year, it lapses on February 28 or February 29 of the following year unless February 28 or February 29 falls on a holiday or a weekend, in which case the lapsed time would be the following day.

(Source: Amended at 18 Ill. Reg. 13067, effective August 11, 1994)