

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises
- 2) Code Citation: 32 Ill. Adm. Code 501
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
501.70	Amendment
501.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4].
- 5) A Complete Description of the Subjects and Issues Involved: IEMA is proposing this amendment to Part 501 to fix an error regarding the process for recovering grant funds and to update the language to reflect the current process. The statutory authority for Part 501 allows for IEMA to offset unexpended grant funds from the previous year if the offset will aid the State and grantee in preparedness efforts relative to the objectives of Part 501. Current language in Part 501 limited IEMA to only recovering grant funds through the process in the Grant Recovery Act and did not provide the option of offset as indicated by the statutory authority. IEMA currently uses the offset as a tool to keep grant funds with local governments to assist with completing the mandates of the radiological emergency preparedness program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency amendment currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

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- 12) Times, Place, and Manner in which interested persons may comment on this proposed Rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
- (217) 785-9860
Traci.Burton@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: This will not affect small business or not-for-profit corporations. However, it may affect small municipalities if they receive funding through the radiological emergency preparedness grant.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on the two most recent Regulatory Agendas.

The full text of the Proposed Amendments begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 501

COMPENSATION OF LOCAL GOVERNMENTS FOR EMERGENCY PLANNING AND
PARTICIPATION IN NUCLEAR EMERGENCY RESPONSE EXERCISES

Section

501.10	Purpose and Scope
501.20	Definitions
501.30	Incorporations by Reference
501.40	Policies and Procedures
501.50	Determination of Grant Awards
501.60	Procedures for Awarding Future Grants
501.70	Contents of Grant Agreement and Disbursement of Grant Funds
501.80	Claims, Audit, Expenditure Record Requirements and Grant Fund Recovery Procedures
501.90	Determination of Permissible Uses of Grant Funds

501.APPENDIX A Wording of the Block Grant Agreement (Repealed)

AUTHORITY: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4].

SOURCE: Emergency rule adopted at 5 Ill. Reg. 14862, effective November 22, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 5877, effective April 23, 1983; codified at 8 Ill. Reg. 1599; amended at 9 Ill. Reg. 2283, effective January 30, 1985; amended at 14 Ill. Reg. 16923, effective October 2, 1990; emergency rule adopted at 20 Ill. Reg. 8341, effective June 4, 1996, for a maximum of 150 days; Part repealed, new Part adopted at 20 Ill. Reg. 14805, effective October 29, 1996; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 9110, effective June 11, 2009; amended at 40 Ill. Reg. 4901, effective March 2, 2016; amended at 45 Ill. Reg. 9941, effective July 26, 2021; amended at 47 Ill. Reg. _____, effective _____.

Section 501.70 Contents of Grant Agreement and Disbursement of Grant Funds

- a) The Agency shall execute a grant agreement with each grantee to whom a grant is awarded. The grant agreement shall specify the parties to the grant, the term of

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the grant, the amount of the grant, method of payment of the grant funds, permissible uses of the grant funds, that documentation of expenditures be maintained by the grantee, ~~that unspent grant funds shall be returned to the State as required by the Illinois Grant Funds Recovery Act [30 ILCS 705]~~, that the Agency may audit records required to be maintained to verify that grant monies were used for permissible uses under the grant and, if not, will be recovered pursuant to the Illinois Grant Funds Recovery Act [30 ILCS 705] or offset as indicated in subsection (b), and that the grant agreement shall cease if funds for the grant are not appropriated by the General Assembly, and any other standard provisions required by the Comptroller to be included in grant agreements entered into by the State.

- b) The Agency may offset a grantee's award with unexpended funds from the previous year if the offset will aid the State and grantee in preparedness efforts relative to this Part. The offset shall be clearly documented by the Agency in order to identify the approved purpose and use for the unexpended funds.
- c) Failure to comply with conditions of the grant agreement, this Part, or other IEMA regulations may result in actions taken to recover grant funds pursuant to the Illinois Grant Funds Recovery Act or offset in accordance with subsection (b).
- ~~d)~~ On July 1 of each year, or as soon thereafter as is practicable, the Agency shall disburse to the grantee the grant amount determined by the Agency for that fiscal year.

AGENCY NOTE: It is the Agency's intent that grant funds will be disbursed on July 1 of each year. However, such disbursement might be delayed for reasons beyond the Agency's control (e.g., failure of the General Assembly to make appropriations before July 1).

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 501.80 Claims, Audit, Expenditure Record Requirements and Grant Fund Recovery Procedures

- a) Grantees shall submit signed claim forms and a copy of the related receipts that verify expenditures of grant funds to the Agency for review by mail or through the IEMA Grants Portal. Submittals can be directed to the contacts below:

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IEMA
Attention: REP Grants
1035 Outer Park Drive
Springfield, IL 62704

or

Tolly.J.Knezevich@illinois.gov

<https://grants.iema.state.il.us/SitePages/Home.aspx>

- 1) Claims are due as follows:
 - A) County grantee claim forms are due on a quarterly basis in accordance with the following schedule:
 - 1st Quarter (July-September): due October 31
 - 2nd Quarter (October-December): due January 31
 - 3rd Quarter (January-March): due April 30
 - 4th Quarter (April-June): due July 31
 - B) Claims from grantees from political subdivisions other than counties are due on a biannual basis in accordance with the following schedule:
 - 1st and 2nd Quarter (July-December): due January 31
 - 3rd and 4th Quarter (January-June): due July 31
 - C) Grantees who receive a grant for a special request or special requirement only shall submit the claim based on the quarter when the expenditure was made.
- 2) After claims are received and reviewed by the Agency to ensure that expenditures are in accordance with approved spending plans, receipt of the claim and results of the review will be confirmed by return correspondence to the grantee.
- 3) Failure to meet the claim submittal deadlines outlined in this Section may result in denial of the claim and may jeopardize future grant awards.

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- b) Participating grantees shall maintain, in separate files, documentation of expenditures under the grant that is readily accessible during an Agency audit for a minimum of 5 years. The documentation shall be on forms provided by the Agency.
- c) The Agency shall have the right to audit and obtain copies of the books, records, and any other recorded information of the grantee related to grantee expenses for which grantee received compensation under this Part.
- d) If, through an Agency audit, the Agency finds that the grantee has misspent or improperly held any grant funds, the Agency shall have the right of recovery of the grant funds in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act. The Agency may also offset a future award with the previous year's unexpended funds in accordance with subsection 501.70(b).
- e) The Agency shall inform the grantee on whether future disbursements of the grant award are subject to adjustment in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act or subsection 501.70(b).

(Source: Amended at 47 Ill. Reg. _____, effective _____)