

*1 ILLINOIS ADMINISTRATIVE CODE 100*



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AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12488, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985; emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986; amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill. Reg. 10414, effective July 1, 1993; amended at 18 Ill. Reg. 13067, effective August 11, 1994; emergency amendments at 18 Ill. Reg. 17275, effective November 22, 1994, for a maximum of 150 days; emergency expired April 21, 1995; amended at 19 Ill. Reg. 7626, effective June 1, 1995; amended at 22 Ill. Reg. 11532, effective July 1, 1998.

### 100.100 Rulemaking Compliance

This Part describes the procedures involved in promulgating rules in codified form, including both Illinois Register publication and filing requirements. All rules filed with the Index Department must be in compliance with the rulemaking system described within this Part pursuant to Article 5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-1 et seq.). [5 ILCS 100/5]

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

## Section 100.110 Definitions

The following definitions shall apply to this Part:

"Act": The Illinois Administrative Procedure Act [5 ILCS 100]. Also referred to as the IAPA.

"Administrative Code Division": A division of the Index Department of the Office of Secretary of State which coordinates the codification process, maintains the official file of rules of the state's agencies, and publishes the Illinois Register and the Illinois Administrative Code.

*"Agency": Agency means each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government, but other than the circuit court; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. [5 ILCS 100/1-20]*

"Agreements": All changes made by agreement between an agency and the Joint Committee on Administrative Rules during the second notice period.

"Amendment": A change to a Section including added language, deleted language and/or renumbering. A Part is also amended by the addition or repeal of a Section.

"Appendix": Supplementary material to the Part such as diagrams, charts, maps, and explanatory information. Such material appears at the end of the Part and is labeled with capital letters. A maximum of 10 Appendices, Tables, Exhibits or Illustrations may be used per Part. The use of such material is discouraged and should be used only when absolutely necessary. Exhibits, Illustrations, and Tables may also appear as subsections of one another or of an Appendix.

"Authority": The right or power to promulgate rules. Such authority appears in the Illinois Compiled Statutes or in an Executive Order of the Governor. (See Section 100.320)

"Authority Note": The paragraph appearing after a Part's table of contents which cites the statutes the Part is implementing, and the statutes that give the agency

the authority to promulgate rules. (See Section 100.320)

"Camera-Ready Copy": A clear, legible, original document which is clear and legible when reproduced. A document is camera-ready when it is clearly typed in solid black ink on one side of an 8 1/2 by 11 inch sheet of white paper.

"Certificate of Expedited Correction": The certificate issued by the Joint Committee on Administrative Rules to the Index Department certifying that an adopted rule has been corrected pursuant to Article 5 of the Act. [5 ILCS 100/5-85] (See Appendix B, Illustration I)

"Certificate of Review and Approval": The Certificate issued to an agency for a Part, amendments to a Part, or a repeal of a Part stating that the Section(s) within a Part has been reviewed by the Administrative Code Division and that the Part meets the specifications of the Illinois Administrative Procedure Act. (The Certificate is filed in the Index Department with the adopted rules.) (See Section 100.550 and 100.Appendix E, Illustration C)

"CFR": The abbreviation used to designate the Code of Federal Regulations, the publication containing the rules of federal agencies and which is updated by the Federal Register (FR).

"Chapter": A division of the Illinois Administrative Code; designation for broad subject areas consisting of the Chapter Number from the Illinois Compiled Statutes.

"Citation": The citation of a State or federal rule containing the information necessary for the reader to locate the rule in the Code of Federal Regulations or the Federal Register, the Illinois Administrative Code or the Illinois Register.

"Code": The Illinois Administrative Code (abbreviated "ILAC").

"Code Citation": A citation to the Illinois Administrative Code. Such citation contains the Chapter number, the Code abbreviation (ILAC) and the Part or Section number and/or other unit of the Code and its label. (See Section 100.370)

"Codification": Assigning a numbering system to rules which meets the criteria set forth in the Act and this Part.

"Cover Letter": The letter which must accompany all documents submitted to the Index Department for filing and/or publication. Such letter must detail the documents which it accompanies with specific instructions for the Index

Department's handling of the material (e.g., including but not limited to, whether the material is to be published in the Register, filed as adopted or reviewed by the Index Department's staff).

"Emergency Rule": A rule (or amendment or repealer) adopted without prior notice or hearing due to a situation which the agency finds *constitutes a threat to the public interest, safety or welfare*. Emergency rules expire 150 days after filing and may not be adopted more than once in a 24-month period except as specified in Section 5-45 of the Act. (See 1 Ill. Adm. Code 100.Subpart F)

"Expedited Correction:" A correction of the text of a rule adopted by an agency and filed with the Secretary of State effectuated pursuant to Section 5-85(b) of the Act.

"General Act": A division of the Illinois Administrative Code and a division of the Illinois Compiled Statutes.

"General Assembly": The Illinois Senate and the House of Representatives and their respective committees.

"Heading": The name of a division in Illinois of the Code (for example, the heading for this Part is "Rulemaking" (see Section 100.130)).

"Illinois Administrative Procedure Act": See "Act"

"Illinois Compiled Statutes": The laws of Illinois as codified pursuant to Section 5.04 of the Legislative Reference Bureau Act [25 ILCS 135/5.04] (abbreviated "ILCS").

"Illinois Register": The weekly publication which contains the rulemaking activity of State agencies, JCAR notices, the Governor's Executive Orders and Proclamations and other materials required by statute (abbreviated "Ill. Reg."). Also referred to as "Register."

"Illinois Revised Statutes": The laws of Illinois as codified (abbreviated "Ill. Rev. Stat."). This citation was used for statute citations prior to the recodification to ILCS.

"Implemented Statutes": Those laws contained in the Illinois Compiled Statutes which an agency promulgates rules to supplement or further define. (See Section 100.320)

"JCAR": The abbreviation for the Joint Committee on Administrative Rules, the legislative support services agency responsible for reviewing current rules of State agencies as well as all rulemaking action.

"Label": The number or letter assigned to the divisions of the Code.

"LIS": The abbreviation for the Legislative Information System, the agency responsible for the data processing requirements of the General Assembly.

"Main Source Note": The paragraph following the Part's authority note which traces the history of the Part. (See Section 100.330)

"Notice of Recodification": The Notice published in the Illinois Register when an existing Part's number is changed but the text remains the same, portions of a Part are renumbered, including splitting one Section into two or more Sections or combining two or more Sections into one Section, or an entire Part is renumbered without changing substantive text. (See also "Recodification")

"P.A.": The abbreviation for Public Act, a law enacted by the Illinois General Assembly.

"P.L.": The abbreviation for Public Law, a law enacted by the United States Congress.

"Page Header": The information that must appear at the top of each page for both Register publication ("Illinois Register" with a line beneath it extending across the entire page, the agency name and the type of rulemaking action (see Appendix A, Illustration A)) and for codified rules filed with the Index Department (includes the Chapter, General Act, Part, Subparts (if applicable), Section numbers (see Appendix B, Illustration D) and agency acronym). (See Section 100.300.)

"Part": A division of the Code; the designation for a unified set of Sections (rules) related to a single function of the agency. A maximum of four digits may be used for a Part number.

"Peremptory Rule": A rule or amendment necessitated by federal laws, federal rules, court orders or certain collective bargaining agreements which preclude compliance with the general rulemaking requirements of the Act as specified in Section 5-50 of the Act. (See Subpart G)

"Recodification": The process of reassigning Code division labels to an existing Part while not changing substantive text. This includes the renumbering of an

entire Part to a new Part number, renumbering entire Sections within a Part, splitting one Section into two or more Sections, moving part of a Section to another Section, combining two or more Sections into one Section and moving Sections (or subsections) of one Part to a different Part. (See "Notice of Recodification")

"Refusal to Certify Expedited Correction": The decision by the Joint Committee on Administrative Rules to not approve an Expedited Correction. This notice shall be published in the Register.

"Regulatory Flexibility Analysis": An analysis of how the rule may affect small businesses, not for profit corporations or small municipalities. An agency proposing new rules or amendments must include an Initial Regulatory Flexibility Analysis (see Section 5-30 of the Act) on the Notice of Proposed Rules. A Final Regulatory Flexibility Analysis must accompany the agency's submission of its proposed rules to JCAR for the second notice period, pursuant to Section 5-40(c) of the Act. (See also Section 100.415(a) of this Part)

"Renumbering": The term used when the number(s) of one or more Section(s) but not all Sections of a Part are being changed within the same Part. Renumbering involves entire Sections. (For Sections being split into two or more Sections or combined into one Section, please refer to "Recodification.") Replacement pages are required for renumbered Sections where no text remains. The order of the Sections must still remain in strict numerical order, and, if the Part has Subparts, the Subparts must remain in strict alphabetical order and the Sections must remain in strict numerical order. Therefore, when more than six Sections are being renumbered within one Part, or when Sections within Subparts are renumbered into other Subparts thereby throwing off the strict alphabetical order of the Subparts or the strict numerical order of the Sections, recodification is required rather than renumbering. In this instance and for renumbering Sections of one Part to another Part or renumbering an entire Part to a new Part number, please refer to "Recodification".

"Repeal": The process of rescinding (revoking, canceling) a rule.

"Replacement Page": The page which must be filed with the Index Department when a Section has been renumbered, recodified or repealed or an entire Part has been recodified or repealed and no text remains. The table of contents page when an emergency rule or amendment has been allowed to expire without permanent adoption.

"Request for Expedited Correction": The request an agency files with the Joint

Committee on Administrative Rules and which the Joint Committee on Administrative Rules forwards to the Index Department, requesting an expedited correction for an adopted rulemaking. (See Section 5-85 of the Act)

"Rule": *Each agency statement of general applicability that implements, applies or interprets policy; a Section of a Part.* (See Section 1-70 of the Act)

"Secretary of State": The Administrative Code Division, a division of the Index Department of the Secretary of State's office.

"Section": A division of the Code; a rule which focuses on a single concept. A Section is a unit of a Part.

"Section Number": The number used to identify the Section. The Part number always precedes the decimal point in a Section number. (For example, this Section is Section 100.110.) A maximum of four digits may be used after the decimal point to identify Sections of a Part. Expansion room should be left between Section numbers for future additions to the Part.

"Section Source Note": A statement following a Section of a Part which indicates the last action (other than codification) on that Section unless that action was the original filing of the Part. (See Section 100.330)

"Short Title": A title of an Act, created within that Act, which should be used to identify that Act. Whenever a short title is referenced, it shall not appear in quotation marks.

"Source Notes": Statements containing the history of the rule including the current action. (See "Main Source Note" and "Section Source Note")

"Statement of Statewide Policy Objectives": The statement as specified in Section 5 of the State Mandates Act [30 ILCS 805/5] and which must appear on the Notice of Proposed, Emergency or Peremptory Rules. (See Sections 100.410(a)(10), 100.415(b), 100.610(a)(11) and 100.710(a)(12) of this Part and Section 5-10(d) of the Act)

"Statutory Citation": The citation of an Act, either State or federal, containing the information necessary for the reader to locate the Act in the Illinois Compiled Statutes, the Illinois annotated statutes, the United States Code, and the United States Code Annotated.

"Style Manual": The manual prepared by the Index Department which is to be

used in conjunction with this Part and the IAPA and which gives examples for agencies to follow when promulgating rules in codified format.

"Subpart": A division of the Code; the designation used to indicate major divisions within a Part. Subparts may correspond to different groups of people affected by the Part.

"Subsection": A division of a Section. A maximum of four levels of subsections may be used. (See Section 100.340)

"U.S.C.": The abbreviation for the United States Code, the official publication containing the laws of the United States.

"U.S.C.A.": The abbreviation for the annotated edition of the United States Code.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

### Section 100.120 Agencies Covered

All agencies of the executive, judicial and legislative branches of state government are subject to the rulemaking provisions of the IAPA except the Governor, the General Assembly, the Supreme and Appellate Courts and those agencies specifically exempted by legislation. (See Sections 1-5 and 1-20 of the Act.)

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

## Section 100.130 Illinois Administrative Code Organization

- a) The Illinois Administrative Code is arranged by five major divisions: Chapter, General Act, Part, Subpart, and Section. (See Section 100.110 for definitions of these divisions.) There are 67 Chapters within the Code, each covering a broad subject area. These Chapters are listed in Section 100.140.
- b) Transition to ILAC Codification Scheme
  - 1) For purposes of accomplishing the codification change from the Ill. Adm. Code format to the ILAC format established in subsection (a) of this Section, the Index Department will consult with the affected agency, JCAR and LIS in determining the new codification scheme for that agency's rules and preparing file copies of the rules utilizing the new codification system. The new ILAC designation will be published in the Illinois Register as a codification change under Section 100.150. When the Notice of Codification Change has been published, the ILAC labeling system will become effective for the rules listed in that Notice. Until the Notices of Codification Change are published, all rules shall continue to be cited using the Ill. Adm. Code format.
  - 2) Changes in rule language during the ILAC codification change will be nonsubstantive only, but may include updating Illinois statutory citations and Illinois Administrative Code cross-references.
  - 3) Statutory Authority Notes may be updated, reorganized or revised to indicate most accurately the precise statutory authority for the Part.
  - 4) When a Part is repealed, the Index Department will enter that Part into a Table of Repealed Parts that will be published along with other supplementary materials to the Code (indexes, etc.). For two years after the date of a Part's repeal, the headings and Main Source Note will be maintained at that Part's location within the body of the Code. After two years, the headings and Main Source Note will be removed from the body of the Code.
  - 5) As part of the ILAC codification change, the Table of Repealed Parts will be created and the headings and Main Source Notes of all Parts that have been repealed for more than 2 years will be removed from the body of the Code.
  - 6) If, during the transition to ILAC, the Index Department, in consultation

with the affected agency and JCAR, determines that a single existing Part is based equally on more than one statute, ILAC numbers may be assigned reflecting each of the authorizing Acts. The text of the rule shall not be repeated at multiple locations; rather, all but one ILAC location shall contain an agency note cross-referencing the location of the actual rule text.

- 7) The Index Department will establish a standard policy for assigning ILAC designations to any Part that is authorized by federal statute with no corresponding Illinois statutory authority.
- 8) Updating of incorporations by reference is not a nonsubstantive change and shall not be accomplished within the ILAC codification change.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.140 Codification Outline

The 67 Chapters of the Code are listed below. If an agency does not know where its rules appear in the Code outline, it must contact the Index Department, which maintains a detailed outline including Chapters, General Acts, Parts and the agency to which these Parts are assigned. In the first issue of the Illinois Register each year, the Index Department will publish the current outline, including numbering and headings, of Chapters, General Acts and Parts, identifying the agency adopting each Part. Updated versions of the outline shall be available from the Index Department upon request throughout the year.

### Government

- 5 General Provisions
- 10 Elections
- 15 Executive Officers
- 20 Executive Branch
- 25 Legislature
- 30 Finances
- 35 Revenue
- 40 Pensions
- 45 Interstate Compacts
- 50 Local Government
- 55 Counties
- 60 Townships
- 65 Municipalities
- 70 Special Districts
- 75 Libraries

### Education

- 105 Schools
- 110 Higher Education
- 115 Education Labor Relations

### Regulations

- 205 Financial Regulations
- 210 Health Facilities
- 215 Insurance
- 220 Utilities
- 225 Professions and Occupations
- 230 Gaming
- 235 Liquor
- 240 Warehouses

Human Needs

- 305 Public Aid
- 310 Housing
- 315 Urban Problems
- 320 Aging
- 325 Children
- 330 Veterans

Health and Safety

- 405 Mental Health
- 410 Public Health
- 415 Environmental Safety
- 420 Nuclear Safety
- 425 Fire Safety
- 430 Public Safety

Husbandry

- 505 Agriculture
- 510 Animals
- 515 Fish
- 520 Wildlife
- 525 Conservation

Transportation

- 605 Roads and Bridges
- 610 Railroads
- 615 Waterways
- 620 Air Transportation
- 625 Vehicles

Rights and Remedies

- 705 Courts
- 710 Alternative Dispute Resolution
- 715 Notices
- 720 Criminal Offenses
- 725 Criminal Procedures
- 730 Corrections
- 735 Civil Procedures
- 740 Civil Liabilities
- 745 Civil Immunities
- 750 Families
- 755 Estates

760 Trusts and Fiduciaries  
765 Property  
770 Liens  
775 Human Rights

Business

805 Business Organizations  
810 Commercial Code  
815 Business Transactions  
820 Employment

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.150 Notice of Codification Changes

- a) Style changes may be made by the Index Department in the codification of rules to:
  - 1) facilitate the public's use of the Code,
  - 2) comply with the requirements of the computer data base, or
  - 3) bring previously filed codified rules into compliance with the current codification style.
- b) When such changes are made to codified rules, they are nonsubstantive and do not affect the meaning of the text.
- c) Before filing codified rules with style changes, the Index Department will notify the agency of all changes made and will request a certification from the agency authorizing the rules as changed to be filed.
- d) The Index Department will publish, upon receipt of the certification from the agency, a Notice of Codification Changes in the Illinois Register. (See 100.Appendix E, Illustration D.) During codification changes, all the Parts that are being changed may be listed on a single Notice of Codification Changes.
- e) A Notice of Codification Changes will also be published for changes the Index Department makes to the file copies of Emergency and Peremptory rules. These codification changes shall affect neither the validity of the rule nor its effective date.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.160 Deletion or Transfer of Rules

In the event an agency is abolished, agencies are consolidated, or agencies are reorganized, the Index Department shall follow the procedures outlined in Section 5-80(d) of the IAPA.

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

Section 100.180 Style Manual

The Index Department has prepared a Style Manual to aid agencies in the rulemaking process. Copies of the Style Manual may be obtained by contacting the following address:

Index Department  
111 E. Monroe Street  
Springfield, IL 62756  
(217) 782-7017

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

### Section 100.200 Publication Schedule and Deadline

- a) The Index Department publishes and distributes the Illinois Register on Friday of each week. However, if Friday is a state holiday, the Register is published and distributed on the next work day.
- b) Pursuant to the provisions of this Part, all documents submitted to the Index Department for Illinois Register publication shall be received by 4:30 p.m. on Monday. When a State holiday falls on Monday, the deadline shall be 12 p.m. on Tuesday. All documents meeting publication requirements will appear in the following week's Register.
- c) However, all new rules, amendments, repealers and expedited corrections which an agency is ready to adopt must be submitted to the Index Department either five working days prior to the date the agency wishes to adopt the material or, if a later effective date is specified, five working days prior to the Register deadline listed in subsection (b) above. (See Section 100.550)
- d) Copies of the current year's publication schedule with deadline dates are published weekly in the Illinois Register.
- e) In the event that an agency which has submitted a proposed rule for publication subsequently wishes to withdraw that proposal prior to its publication, but after the rule has already been incorporated into the Register compilation, the agency may withdraw the rule only by submitting for publication a Notice of Withdrawal of Proposed Rules. (See 100.Appendix A, Illustration C) No agency may withdraw an adopted, emergency or peremptory rule or expedited correction once it has been filed with the Index Department.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.210 Contents

Each issue of the Illinois Register will contain a table of contents by agency in alphabetical order within the following categories (not necessarily in this exact order):

- a) Proposed rules
- b) Adopted rules
- c) Emergency rules
- d) Peremptory rules
- e) Public Hearings on Proposed Rules
- f) Agency action in response to a Statement of Objection (Modification, Withdrawal or Refusal)
- g) Request, Refusal or Approval of Expedited Correction
- h) Notice of Corrections
- i) Notice of Regulatory Flexibility Impact Analysis
- j) Notice of Codification Changes
- k) Joint Committee on Administrative Rules - Notices:
  - 1) Agenda
  - 2) Statements of Recommendation, Objection, Suspension or Prohibited Filings
  - 3) Agency Failure to Respond
  - 4) Second Notices Received
  - 5) JCAR Review of Existing Rules - Statement of Objections and Recommendations
  - 6) Notice of Failure to Remedy JCAR Objections

- l) Executive Orders and Proclamations
- m) Other information required by law to be published in the Illinois Register
- n) A Cumulative Index and a Sections Affected Index.

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

## Section 100.220 Publication Requirements

- a) All documents submitted for publication shall meet the following requirements:
- 1) Each document shall be typewritten on 8½ x 11 inch white paper and shall be single-spaced. One American National Standard Code for Information Interchange (ASCII) format file or acceptable word processing program on a 3½ inch disc, one original (camera-ready) and two paper copies shall be submitted. (See definition of "Camera-ready Copy" in Section 100.110)
  - 2) Each page of the document shall be headed ILLINOIS REGISTER (all in capital letters) centered on a solid line exactly one inch from the top of the page as shown in the Appendices. In addition, on each page of the document, the agency's name, all in capital letters, shall appear one double-space under the solid line, centered on the page, and the action being taken, all in capital letters, shall appear one double-space under the agency name, centered on the page.
  - 3) There shall be a one inch margin from all sides of the page. Only one side of the page shall be used.
  - 4) All documents submitted to the Index Department for publication shall include notice page(s) and follow specific formats as outlined in the Appendices contained in this Part. The numbered questions shall be underlined, double-spaced and answered with a statement. Non-applicable is not an acceptable answer to any of the questions.
  - 5) Each document submitted for publication which concerns rulemaking must specify the Part's heading, the Code citation, and the specific Sections of the Part involved. (Subsections shall not be specified except in the text of the document.) In addition, the document shall specify a Register citation along with the issue date if it concerns rules published in the Illinois Register.
- b) The type of action indicated on the Notice (as required by Sections 100.410, 100.530, 100.610 and 100.710) and the pages of text must agree. (For example, if the Notice says "Notice of Proposed Rules", then the text pages must say "Notice of Proposed Rules".) (See Section 100.300 for further information.)
- c) The action types mentioned in subsections (a)(2) and (b) above shall be as follows for rulemaking activities:

- 1) If the rules comprise a new Part, the term "Rules" shall be used;
  - 2) If the rules comprise amendments (new Sections, amended Sections, repealed Sections) to an existing Part, the term "Amendments" shall be used;
  - 3) If the rules comprise a repeal of an entire Part, the term "Repealer" shall be used.
- d) Underscoring shall be used for the information required in Sections 100.410(a), 100.530(a), 100.610(a), 100.710(a), and 100.1110(a) as shown in 100.Appendix A, Illustrations A, C, D, and E; 100.Appendix B, Illustrations A, E, F, G, H, and I; 100.Appendix C, Illustrations A and D; 100.Appendix D, Illustrations A and D; and 100.Appendix E, Illustrations A, B, D, E and F.
- e) The entire table of contents for the Part, including the authority and the main source notes, must be published when any type of rulemaking activity (proposed, adopted, emergency, and peremptory new rules, amendments, repealers and expedited corrections) is published in the Illinois Register.
- f) The Index Department shall perform the following duties:
- 1) Review all documents submitted to determine if they comply with the format and style requirements of this Part and the IAPA and, if adopted rules meet these requirements, the Index Department will sign the Certificate of Review and Approval. (See Sections 100.450 and 100.550)
  - 2) Refuse to accept all documents which were submitted in non-compliance with the format and style requirements of this Part and the IAPA. The issuing agency will be contacted within 5 working days concerning documents which are refused with an explanation for the refusal. Refused documents will not be published in the Illinois Register until they are corrected and resubmitted to the Index Department.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.225 Cover Letter

A cover letter shall accompany all documents submitted to the Index Department. This letter shall specify the material being submitted and the reason for submission (publication, filing, or review) (See also Section 100.510).

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

Section 100.230 Publication of Materials Incorporated by Reference

Standards, guidelines or rules incorporated by reference into an agency's rules (see Section 100.385) shall not be published in the Illinois Register.

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

## Section 100.240 Notices of Corrections

- a) At the agency's request, the Index Department will publish a Notice of Corrections to Proposed Rulemaking in the Illinois Register to inform all interested parties of any technical deficiencies in an agency's proposed rules, such as typographical, clerical, printing, copying or other inadvertent errors. Such Notice shall be prepared by the agency in accordance with the publication requirements outlined in this Part and shall contain the complete text of the proposed rulemaking as corrected. The publication of this Notice shall change the date of the commencement of the first notice period to the date the correction is published unless an inadvertent error was made by the Code Division or JCAR in the production of the camera-ready Illinois Register. (See 100.Appendix A, Illustration D and 100.Appendix E, Illustration H)
- b) The Index Department shall decline to publish any corrections or file any replacement pages to rules which have been adopted and filed with the Index Department except codification changes (Section 100.150) and expedited corrections (Section 100.560).
- c) An agency may correct information contained on the introductory notice pages of a proposed rulemaking published in the Illinois Register by submitting one ASCII format file or an acceptable word processing program on a 3 1/2 inch disc, one original and four paper copies of a Notice of Corrections to Notice Only for publication in the Register. (See 100.Appendix E, Illustration B) This Notice shall only be used when the answers to the required questions at the beginning of a Notice were incorrect. Corrections to the text of an agency's proposed rulemaking may be made on a Notice of Corrections to Proposed Rulemaking. (See subsection (a) above and 100.Appendix A, Illustration D)
- d) Errors which are discovered in the file copy text following publication of the issue of the Register in which the notice of adopted rulemaking appeared shall be corrected by the agency through the general rulemaking process or by the expedited correction process (see Section 100.250).
- e) A Certificate and Notice of Expedited Correction shall be filed with the Index Department during normal business hours in accordance with procedures set forth in Section 100.250.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.250 Expedited Corrections

- a) A Request for Expedited Correction of Adopted Rules may be forwarded by JCAR to the (See 1 Ill. Adm. Code 100.Appendix B, Illustration G) The request must be accompanied by the complete text of the affected Section(s), indicating both the incorrect text and the agency's proposal for correction in accordance with Section 100.420(c). The correction shall be published in the next available Register.
- b) The Joint Committee on Administrative Rules may then submit either a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100.Appendix B, Illustration H) or a Notice of Expedited Correction (1 Ill. Adm. Code 100.Appendix B, Illustration I) signed by the Executive Director of JCAR, and meeting all requirements outlined in Sections 100.200, 100.300, 100.500, 100.510, 100.520, 100.530, 100.540 and 100.550.
- c) If JCAR issues a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100.Appendix B, Illustration H), this does not prevent the agency from promulgating the rules through the general rulemaking procedures.

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

## Section 100.260 Indexes

- a) The Index Department prepares an annual publication consisting of both the Cumulative and Sections Affected indexes for all codified rules appearing in the Illinois Register. The indexes will be distributed to all persons subscribing to the Illinois Register. Additional copies of the indexes are available from the Index Department for a fee. (See Section 100.280) All requests for copies of this publication must follow the procedures outlined in Sections 100.270 and 100.280.
- b) The Index Department also prepares a Sections Affected Index and a Cumulative Index for all codified rules published quarterly in the Register. These indexes list the current rulemaking activity and appear in the back of the Register quarterly, and are available upon request.

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

## Section 100.270 Illinois Register Availability

- a) Subscriptions
  - 1) All agencies required to file rules under the Illinois Administrative Procedure Act and members of the Illinois General Assembly will, upon request, receive one subscription to the Illinois Register exempt from fee. Agency subscriptions are limited to each agency's principal office (a total of two complimentary subscriptions are allowed for those agencies maintaining both a Springfield and a Chicago principal office; all other agencies receive only one complimentary subscription).
  - 2) All other persons wishing to receive an issue of the Illinois Register each week shall pay the annual subscription rate. (see Section 100.280)
- b) Microfiche copies of back volumes of the Illinois Register are available from the Administrative Code Division for a fee. (See Section 100.280)
- c) Print copies of back issues of the current volume of the Illinois Register are available in limited supply from the Index Department for a fee. (See Section 100.280) When the limited supply is depleted, requests for such copies will be denied.
- d) The annual publication consisting of both the Cumulative and Sections Affected Indexes is not available by subscription, but may be obtained through Section 100.280(a)(4) except as stated in Section 100.260(a) and (b).
- e) All requests for subscriptions (either new or renewed), single issues of the Register, microfiche copies of back volumes, the annual Cumulative and Sections Affected Indexes, must follow the procedure outlined in Section 100.280(b).
- f) All requests for change of address must be in writing and four (4) weeks must be allowed for such changes.
- g) No subscriptions to the Illinois Register shall be retroactively effective.

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

## Section 100.280 Fees

- a) Fees charged by the Index Department for the materials in Sections 100.260 and 100.270 shall not exceed the costs of the publication and mailing of the materials. Current fees for the Illinois Register materials cited in these Sections appear on the order form printed in each issue of the Register and are listed below:
  - 1) One year subscription to the Illinois Register: \$290.00 per year per subscription.
  - 2) Single issues of the current year: \$10.00 per copy.
  - 3) Microfiche sets of back volumes of the Register: \$200.00 per set.
  - 4) Copies of the annual publication consisting of the Cumulative and Sections Affected Indexes to the Register: \$5.00 per copy.
- b) Requests for the above named materials will be accepted as charges to an accepted credit card or in writing accompanied by a check or money order in the proper amount made payable to SECRETARY OF STATE. Cash will not be accepted. No subscriptions are taken for single issues, microfiche sets of back volumes or copies of the Indexes.

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

## Section 100.300 Headings

- a) All rules submitted to the Index Department for publication in the Illinois Register must have the Register page header and the type of action statement on each page pursuant to Section 100.220(a)(2) and (c) and the Appendices. (For a definition of "Page Header" see Section 100.110.)
- b) Rules submitted to the Index Department for filing as adopted must have the Code page header and agency name on each page pursuant to Section 100.500 and 100.Appendix B, Illustration D and the agency name below the page header on the first page of the text.
- c) Headings for a Part's table of contents
  - 1) Beginning at least 2" from the top of the page (to allow for the Register page header, the agency name and the action statement for Register publication or the Code page header and agency name for file copies) and centered on the page shall be the following headings:
    - A) The word CHAPTER and its label followed by a colon and the heading from Section 100.140;
    - B) The word GENERAL ACT and its label followed by a colon and the General Act number from ILCS and the heading.
  - 2) Each of the applicable headings listed above shall be all in capital letters and shall appear, in order, on successive single-spaced lines. These headings as well as the Part number and its heading shall appear on the first page only of both publication and file copies.
  - 3) One double-space below the General Act shall appear the word PART (all in capital letters) and its appropriate number, centered on the page.
  - 4) On the next line beneath the Part number shall be the heading for the Part, all in capital letters, centered on the page.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.310 Table of Contents

- a) At the beginning of each Part shall be a table of contents which shows the applicable headings for Sections and Subparts, as specified in Section 100.300(c), in numerical order.
  - 1) If the Part has Subparts, the word SUBPART, its label, followed by a colon and the heading of the Subpart shall appear on one line, all in capital letters. The first Subpart and its label and heading shall appear one double-space below the Part heading and shall be centered on the page. Each additional Subpart, label and heading shall appear one double-space below the last Section of the previous Subpart and shall be centered on the page.
  - 2) The Sections shall be listed in numerical order and shall be separated by Subpart (if applicable). The word "Section" shall appear at the left hand margin. Directly under the word "Section" shall be the Section numbers with their appropriate headings to the right of and on the same line as the Section number. The Section numbers and headings shall be single-spaced.
  - 3) Emergency Sections shall be listed with the word "EMERGENCY" under the Section heading until such time that the emergency rulemaking has expired or the proposed rulemaking has been adopted.
  - 4) Supplementary Material
    - A) Any supplementary material contained in a Part (Illustrations, Appendices, Tables and/or Exhibits) shall be listed, single-spaced, in order with the appropriate word, label and heading. The headings for Sections of supplementary material shall include the Part number and be labeled with a capital letter. Subsections shall be listed under the Section heading excluding the Part number and indented five (5) spaces:
      - i) If the Part has no Subparts, the list of supplementary material shall begin on the first line below the last Section listed; or
      - ii) If the Part has Subparts, the list of supplementary material shall begin one double-space below the last Section listed.

- B) Any supplementary material contained in a Part must be placed upright on the page, must fit within the margin requirements, and must be legible. All supplementary material must be camera-ready. (See the definition of "Camera-Ready Copy" in Section 100.110 and Section 100.350.)
  - C) Only the words "Illustration", "Appendix", "Table", or "Exhibit" shall be used for supplementary material in a Part.
- b) Examples of correct tables of contents appear in the Style Manual and in adopted rules appearing in the Register.

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

### Section 100.315 Re-using Part or Section Numbers

After a Part has been filed with the Index Department and the Part is repealed in its entirety or recodified to another Part number, the Part number involved shall not be used again for a period of two years if the subject matter has totally changed. If an agency repeals some but not all of the Sections in an existing Part, those Section numbers may be re-used immediately, even if the subject matter totally changes, although the Index Department recommends that different Section numbers be used in order to avoid confusion.

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

## Section 100.320 Authority Note

- a) Each Part adopted shall include an authority note. The authority note shall indicate both of the following types of authorities in the order in which they are listed below:
  - 1) Authority being implemented  
The specific state statutes, federal laws or rules (or sections thereof) which the rules are implementing, interpreting, or applying. This is often a statute establishing a specific program administered by the agency and it may be the same as the authorizing statute. Multiple citations shall be used when necessary. A state statute shall always appear as well as any federal laws or rules.
  - 2) Authority to Promulgate Rules  
The specific state statute which authorizes the agency to adopt the rules, if not contained in the Act which the rules are implementing. This is often a section of the enabling Act of the agency or the Act creating the agency and may be implied. Occasionally, an Executive Order of the Governor may contain an agency's authorization to promulgate rules.
- b) Citations to state statutes shall include both the name of the Act and an Illinois Compiled Statutes citation (and/or the P.A. number and effective date if the P.A. has not yet been published). Citations to federal laws shall include both the name of the law and either the U.S.C. or U.S.C.A. citation (and/or the P.L. number and the effective date if the P.L. has not yet been published in the U.S.C.). Citations to federal rules shall include both the name of the rules and the CFR or FR citation. Please refer to the Style Manual for examples of all statutory citations.
- c) For information on statutory citations, please see Section 100.380(c) and (d).
- d) The authority note for each Part shall be located one double-space below the last entry in the table of contents and shall be single-spaced.
- e) Authority notes are supplemental references which are intended to be used for the convenience of the reader. They are not rules and do not have the force of law. Failure to cite a statute in an authority note shall not be construed to deprive an agency of any rulemaking authority that the statute contains.
- f) Examples of authority notes are contained in the Style Manual.

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

## Section 100.330 Source Notes

- a) Each Part adopted in compliance with this Part shall include appropriate source notes. The two types of source notes are: main source notes and Section source notes.
  - 1) The main source note shall indicate the location in the Illinois Register of the notice of adoption and the effective date. It shall also include Register citations for amendments to the Part subsequent to the rules' original adoption. Main source notes are cumulative. The main source note shall be located one double-space below the authority note and shall be single-spaced.
  - 2) A Section source note shall indicate the Register citation for the last action on that Section subsequent to the original adoption. Codification action shall not be indicated in a Section source note. Section source notes appear one double-space below the last sentence of the Section and shall be single-spaced, and indented five spaces from the left margin.
- b) Main source notes indicate to the public when the Part was adopted or amended and where the notice of the adoption may be found. Normally, only citations to the Illinois Register shall be indicated in the main source note and Section source notes, although amendment dates prior to Illinois Register publication shall be included only if specifically requested by the agency. The following situations are exceptions to this provision:
  - 1) If a new Part is being adopted, the main source note shall have blank spaces for the volume, page number of the Register, and the effective date.
  - 2) If the set of rules was adopted prior to the publication of the Illinois Register, the main source note should indicate the exact title of the set of rules as it was adopted (if that title has changed significantly in codification), the date filed, and the effective date.
- c) The agency may also supply additional information in the source note to clarify the origin of the rules. For example, an agency may indicate the resolution, general order, or docket number used in the adoption of the rules; however, such numbers alone are insufficient.
- d) When an agency drafts rules or amendments, regardless of the type of rulemaking occurring (proposed, adopted, emergency, peremptory or expedited correction), the source note shall specify the action, a Register citation with blanks left for the

volume number of the Register, the page number on which the Notice of Adoption will appear and a blank for the effective date. Failure by an agency to include these items will necessitate the return of the rules to the agency for corrections prior to their being published in the Illinois Register or filed in the Index Department.

- e) For examples of main source notes and Section source notes, please refer to the Style Manual.

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

## Section 100.335 Automatic Repeal of Rules

- a) An agency may provide for the automatic repeal of a rule by specifying in the text the date (including month, day and year) of the automatic repeal.
  - 1) Such Automatic repeal shall not be used to repeal or amend existing Sections on file in the Index Department, but shall be used only for new Sections or in a new Part.
  - 2) Each Section of a Part which is to be automatically repealed must specify the repeal date in the text.
- b) Pursuant to Section 5-55 of the IAPA, *not less than 30 nor more than 60 days prior to the effective date of the repeal*, the agency shall publish notice of the repeal in the Illinois Register. Such notice shall meet the requirements for Illinois Register publication specified in Section 100.220 and 100.Appendix B, Illustration E: and
  - 1) for rules adopted through the general rulemaking process, as specified in Section 5-40 of the Act, 100.Appendix B, Illustration E; or
  - 2) for rules adopted through the peremptory rulemaking process as specified in Section 5-50 of the Act, 100.Appendix D, Illustration D.
- c) The notice specified in subsection (b) above shall contain the full text of the affected Sections, the complete table of contents for the Part indicating which Sections are being automatically repealed by adding the word "(Repealed)" immediately after the affected Section headings, the authority note, and the main source note for the Part including a citation to the Notice of Automatic Repeal. Each affected Section must also contain the appropriate Section source note for the citation to the Notice of Automatic Repeal.
- d) At the same time the agency submits the notice and text required by subsection (b) above, it shall also submit one (1) original and two (2) copies of the complete table of contents for the Part including the authority and main source notes and the necessary replacement pages for the Sections being automatically repealed. The replacement pages shall include the Code headings at the top of each page, the Section number and heading followed by the word "(Repealed)" and a Section source note to the citation for the automatic repeal.
- e) Should the agency fail to submit the notice of the repeal in the time frame specified in subsection (b) and the Act, the automatic repeal date as specified in

the rule(s) is void and the agency will have to go through the general rulemaking process in order to repeal the rulemaking. The 30 to 60 day period in which the notice is to be published in the Illinois Register requires the rule to appear in a published Register during that time period.

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

## Section 100.340 Text of the Part; Subsections

- a) The text of each Part submitted for either publication or for filing shall be single-spaced. However, a double-space shall appear between the Section heading and the first line of text and shall appear between the last line of one subsection and the first line of the next subsection. For rules published in the Illinois Register, the Section number and heading of the first Section being published shall appear one double-space below the main source note. For rules filed with the Index Department as adopted, the first Section shall appear on the next page following the main source note and each subsequent Section shall begin on a new page.
- b) Subsections shall be identified as indicated in the following format.
  - 1) First level of subsection: Use a), b), c), etc.
  - 2) Second level of subsection: Use 1), 2), 3), etc.
  - 3) Third level of subsection: Use A), B), C), etc.
  - 4) Fourth level of subsection: Use i), ii), iii), etc.
- c) A single paragraph within a Section is not labeled as a subsection. An opening paragraph (prior to labeled subsections or indented items such as addresses, formulas, or definitions) is allowed.
- d) Subsections beyond the fourth level are not allowed. Sections which contain further subsections must be divided into separate Sections.
- e) Sections which consist of definitions of various terms in alphabetical order shall not include a subsection label for each definition, but the definitions must be indented as if they were being labeled. (For example, definitions in alphabetical order which would be labeled at the first indent level shall appear, unlabeled, with each line of text beginning two inches from the left hand edge of the page.) There shall be only one definitions Section per Part except that each Subpart may have a definitions Section. This Section should be the first Section within the specified codification division. Definitions may appear in the text of other Sections if necessary to explain that particular Section or subsequent Sections in that Part or Subpart. Other lists within Sections (for example, a list of recommended library books) may be arranged alphabetically without subsection labels but must be indented properly. Lists of definitions or other items, if not in alphabetical order, must be labeled.

- f) When dividing a Section into subsections, do not use an a) without a b), a 1) without a 2), etc. However, in labeling a single Appendix, Exhibit, Illustration, or Table, the label "A" shall appear.
- g) When referring to one or more subsections within the text of a subsection, the subsection label must be enclosed in parentheses.
- h) Numbered or lettered phrases within a subsection are not allowed. Such numbered phrases must be indented to the proper level and labeled appropriately.
- i) Since the codification system shall be *compatible with electronic data processing equipment and programs maintained by and for the General Assembly* (Section 5-80 of the Act), the Section symbol, subscript or superscript letters, the division symbol, the delta symbol, the square root symbol, and other similar signs and symbols, are not allowed within the text of an agency's rules. If an agency determines that a formula containing such symbols is necessary within the text of its rules and cannot write the formula in words rather than in symbols, the agency shall give a camera-ready copy of the formula to the Index Department to be used to scan into the rules for publication in the Illinois Administrative Code. If an agency determines that a sign or symbol not specified in this subsection must be included in the rule, the agency must contact the Index Department to determine if it can be used prior to submitting the proposed rules for Register publication.
- j) All acronyms, abbreviations, initials, and shortened forms which an agency wishes to use in the text of its rules must be spelled out in full the first time within each Part the reference appears with the acronym, abbreviation, initials or shortened form placed immediately thereafter in parentheses. (A definitions Section at the beginning of each Part is preferable.) The agency may then use the acronym, abbreviation, initials or shortened form throughout the remainder of the Part. This does not include the list of standard abbreviations shown in subsection (k) below.
- k) Listed below are standard abbreviations and their meanings which do not have to be spelled out in an agency's rules as specified in subsection (j) above. If an agency wishes to use one of these abbreviations but wishes to attach a different meaning to it, it must follow the procedures outlined in subsection (j) above.
  - 1) All two letter abbreviations for the 50 states as designated by the United States Postal Service are allowed.
  - 2) All chemical abbreviations for the elements are allowed.

## 3) The following are examples of commonly known abbreviations:

Abbreviation	Definition
A.C.	alternating current
a.m.	ante meridiem, morning
Ave.	Avenue
Blvd.	Boulevard
Btu	British thermal unit
C.	Centigrade, Celsius
C.D.T.	Central Daylight Time
CFR	Code of Federal Regulations
ch.	chapter
cm.	centimeter
C.S.T.	Central Standard Time (or other time zones)
cu.	cubic
D.C.	District of Columbia, Direct Current
Dr.	Drive
E.	East
e.g.	for example
et seq.	and those that follow
F.	Fahrenheit
FR	Federal Register
ft.	foot
ID	identification
i.e.	that is
ILAC	Illinois Administrative Code
ILCS	Illinois Compiled Statutes
Ill. Reg.	Illinois Register
Ill. Rev. Stat.	Illinois Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	Lane
mg.	milligram
ml.	milliliter
mm.	millimeter
mph	miles per hour
Mt.	Mount

N.	North
n/a	not applicable
oz.	ounce
p.	page (Register citations to Volumes 1-4 only)
par., pars.	paragraph, paragraphs (statutory citations only)
p.m.	post meridiem, afternoon
qt.	quart
Rd.	Road
S.	South
sq.	square
St.	Saint, Street
U.S.	United States
USC	United States Code
W.	West
yd.	yard

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

### Section 100.345 Renumbering Sections within a Part

No more than six (6) Sections can be renumbered within a Part without being recodified. When renumbering Sections within a Part:

- a) The Part's table of contents shall show the following:
  - 1) If no text remains at the Old Section number,
    - A) the Section number and heading remain and shall not have strike-outs but the word "(Renumbered)" shall be underscored at the end of the Section heading.
    - B) the new Section, to which the old Section is being renumbered, shall appear in the correct numerical order with the old number shown with strike-outs and the new number and heading underscored.
  - 2) If new text is being adopted at the old Section number,
    - A) the new heading (which shall be underscored) shall appear after the former heading (which shall have strike-outs).
    - B) The new Section, to which the old Section is being renumbered, shall appear in numerical order with the old number shown with strike-outs and the new number and heading underscored.
- b) The text of the Part shall show the following:
  - 1) If the Section being renumbered is not being replaced by new text:
    - A) the old Section number and heading as it is currently on file shall appear in the correct numerical order with the word "(Renumbered)" underscored at the end of the Section heading. No text shall appear here but a Section source note indicating the Section's new location, the Register citation, and effective date shall appear.
    - B) the new Section, to which the old Section is being renumbered, shall appear in numerical order with the old number shown with strike-outs and the new number and heading underscored. The text of the Section shall appear here and, if any amendments are being

made to the text, they shall be indicated by strike-outs and/or underscoring. A Section source note indicating from where the Section was renumbered and whether the Section is being amended, the Register Citation and effective date shall also appear.

- 2) If the Section being renumbered is being replaced by new text:
  - A) the Section number shall appear followed by the old heading with strike-outs and the new heading with underscoring. The new text shall be shown with underscoring and an appropriate Section source note indicating the new location of the former text, the new text being adopted, the Register citation and effective date shall also appear. The old text does not appear at the old number.
  - B) in numerical order where the new Section appears, the procedures outlined in subsection (b)(1)(B) shall be followed.
- c) Only entire Sections may be renumbered. If an agency wishes to split one Section into two or more Sections or combine several Sections into one Section, recodification of the Part is required. (See Sections 100.1100 and 100.1110)

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

## Section 100.350 Supplementary Material

- a) Tabular materials, illustrations, diagrams, figures and other supplementary material included in a Part should be placed at the end of the Part and labeled as Appendices, Exhibits, Illustrations or Tables. Such materials should be used only when an agency deems them necessary; rules shall be in explanatory form whenever possible. Supplementary materials included in a Part filed with the Index Department shall be considered part of the rules and should be referred to within the text of the Part.
- b) Any Appendices, Exhibits, Illustrations or Tables appearing at the end of the Part shall be included in the Part's table of contents. Such supplementary materials shall be identified with capital letters unless it is a subsection. If there is a subsection, it shall not include the Part number but shall be indented five (5) spaces below the Section.
  - 1) An Appendix is generally in prose format and does not contain illustrations, tables, or other diagrams or drawings. If it is necessary for an Appendix to contain illustrations, tables or other diagrams or drawings, each illustration, table or diagram shall be labeled individually and shall become subsections of the Appendix.
  - 2) A small Table may be contained within a Section as long as it fits within the text margins of the subsection in which it appears. In such a case, the Table is not labeled, but may have a heading. If the Table is larger than the subsection margins allow, the Table must be placed at the end of the Part and labeled with capital letters. An agency should either delete the Table from its rule through the general rulemaking process or must submit to the Administrative Code Division a camera-ready copy of the Table which will fit, with the applicable margin requirements, on an 8½ x 11 inch sheet of paper.
  - 3) Forms should be avoided. (See Section 1-70 of the Act.) References to the forms within the text of the Part should be by form number or heading and should be incorporated into an Exhibit for explanatory reasons only.
  - 4) An Illustration is a diagram or drawing. In those cases where the Illustrations cannot be entered into the data base, the agency must submit to the Index Department a camera-ready copy of the Illustration; such copy must fit within the margin requirements as outlined in this Part both for filing and for Illinois Register publication. (Refer to Sections 100.220(a)(3) and 100.500(a))

- c) A maximum of 10 Illustrations, Appendices, Tables, or Exhibits may be used in each Part unless used in combination with one another. If an Appendix, Exhibit, Illustration or Table has subsections labeled with one or more of the remaining three terms, it shall have no text of its own.
- d) Pursuant to Section 100.310(a)(4)(B), all supplementary material shall be legible even when reduced by 50% for Register publication, shall fit within the applicable margin requirements, and shall be upright on the page.
- e) Whenever an agency adopts a rule containing material which cannot be entered into the computer data base, the agency shall prepare a master original of the material (photocopies are not allowed) for the Index Department's files.

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

Section 100.360 Proper Format

Examples of the proper format for adopting codified rules are contained in the Style Manual.

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

## Section 100.370 Citation of Codified Rules

- a) Each Part adopted in compliance with the codification system has a unique Code citation (that is, no two Parts can be cited exactly the same way). Within the text of a Part: if another unit of that Part is cited, the unit is specified followed by the appropriate label; if a unit of a different Part is cited, the entire Code citation must be used. The correct citations for the various divisions of the Code prior to the ILAC codification are illustrated below:
- 1) When simply referring to a Title of the Code:  
14 Ill. Adm. Code  
(Title 14 of the Code)
  - 2) When referring to a Part of the Code:  
1 Ill. Adm. Code 100  
(Part 100 of Title 1 of the Code)
  - 3) When referring to a Section of a Part of the Code:  
17 Ill. Adm. Code 530.10  
(Section 530.10 of Title 17 of the Code)
  - 4) When referring to an entire Subtitle of a Title of the Code:  
2 Ill. Adm. Code: Subtitle C  
(Subtitle C of Title 2 of the Code)
  - 5) When referring to an entire Chapter of a Title (which has no Subtitles) of the Code:  
1 Ill. Adm. Code: Chapter I  
(Chapter I of Title 1 of the Code)
  - 6) When referring to an entire Chapter of a Title (which has Subtitles) of the Code:  
11 Ill. Adm. Code: Subtitle B, Chapter I  
(Chapter I of Subtitle B of Title 11 of the Code)
  - 7) When referring to an entire Subchapter of a Chapter of the Code:  
50 Ill. Adm. Code: Chapter I, Subchapter t  
(Subchapter t of Chapter I of Title 50 of the Code)
  - 8) When referring to an entire Subpart of a Part of the Code:  
68 Ill. Adm. Code 220.Subpart A  
(Subpart A of Part 220 of Title 68 of the Code)

- 9) When referring to a Part's supplementary material:  
1 Ill. Adm. Code 100.Appendix A, Illustration A  
(Illustration A of Appendix A of Part 100 of Title 1 of the Code)
  - 10) The citations may be used in combination such as:  
11 Ill. Adm. Code: Subtitle B, Chapter I, Subchapter c  
(Subchapter c of Chapter I of Subtitle B of Title 11 of the Code)
- b) The correct citations for the various divisions of the Code after the 1998 codification are illustrated below:
- 1) When referring to a Chapter and General Act of the Code:  
5 ILAC 100  
(Chapter 5, General Act 100 of the ILCS)
  - 2) When referring to a Part of the Code:  
5 ILAC 100:1  
(Part 1 of Chapter 5, General Act 100 of the Code)
  - 3) When referring to a Section of a Part of the Code:  
5 ILAC 100:1.110  
(Section 1.110 of Part 1 of Chapter 5, General Act 100 of the Code)
  - 4) When referring to an entire Subpart of a Part of the Code:  
5 ILAC 100:1.Subpart A  
(Subpart A of Part 1 of Chapter 5, General Act 100 of the Code)
  - 5) When referring to a Part's supplementary material:  
5 ILAC 100:1.Appendix A, Illustration A  
(Illustration A of Appendix A of Part 1 of Chapter 5, General Act 100 of the Code)

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.380 Statutory Language and Statutory Citations

- a) Rules shall not unnecessarily repeat statutory language. Whenever it is necessary to repeat or paraphrase statutory language in a rule, it shall appear in distinguishing type. Italic type is expressly reserved for statutory language.
- b) If it is necessary for an agency to use a type other than italic for statutory language, a statement as to what type is used must be made immediately after the main source note. Underscoring is not considered to be distinguishing type because it is expressly reserved for added language in rules published in the Illinois Register.
- c) Citations to statutes must be included immediately after the quotation or paraphrase as specified in Section 100.385. However, in the event that the Section of the Act being quoted has already been cited earlier in the Part, the agency shall only specify the Section and the title of the Act in which the quotation appears.

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

## Section 100.385 Incorporation by Reference; Citation of Referenced Material

- a) An agency may incorporate by reference standards, *regulations or rules of an agency of the United States or of a nationally or state recognized organization or association*, pursuant to Section 5-75 of the IAPA.
  - 1) The material being incorporated by reference must be identified by location and date and must state that no later editions or amendments are included.
  - 2) The agency shall maintain in its principal office a copy of the full text of adopted rules including standards or rules incorporated by reference.
- b) If an agency cites Sections of a state or federal statute or state or federal rule within the text of a Part, the specific statutory citation must be included immediately following the first mention of the statute or rule within the Part. Thereafter, a citation to these particular Sections need not be repeated.

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

## Section 100.390 Footnotes; Agency Notes; Editor's Notes

- a) Footnotes  
An agency may include with its rules, as footnotes, the citations and brief digests of court cases and Attorney General's opinions. Footnotes shall be numbered in sequence, and the text of such footnotes shall be at the bottom of the same page where the footnotes appear in the text of the rule. Footnotes shall be the only notes allowed to be numbered in this manner.
- b) Agency notes  
Occasionally an agency may need to explain something within the text of its rules; such explanation may not fit the normal format for codification. In such instances, an agency note may appear. The use of agency notes is discouraged. If the use of such a note is necessary, the agency shall contact the Index Department for the proper procedure prior to proposing rules or amendments, or prior to adopting emergency or preemptory rules or amendments, containing agency notes, since agency notes may take several forms. In addition, agency notes shall fit within the margin requirements of the subsections to which they refer, and shall not be labeled except by "Agency Note" unless otherwise authorized by the Index Department, and shall not contain either subsections or lettered or numbered phrases. Any agency notes included in an agency's rules are considered part of the rule and must be adopted, amended, or repealed in the same manner as the rules.
- c) Editor's notes  
Occasionally, in codification, the Administrative Code Division may add an editor's note which cross references the rules of two or more agencies, explains a particular way the rule was codified or explains Administrative Code database style. The Index Department is the only agency allowed to add editor's notes to a rule since the Department is the Editor of the Illinois Administrative Code. Such notes are not part of the rule but are used solely for informational purposes to aid the reader.

(Source: Amended at 18 Ill. Reg. 13067, effective August 11, 1995)

## 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)

## Section 100.410 Notice of Proposed Rules

- a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (see Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which the information listed in subsections (a)(1) through (12) below shall appear (see also Appendix A, Illustration A). The next page shall be the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing Part, the text shall appear as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring (however, if an entire Part is being repealed, the text is printed without strike-outs and if a new Part is being proposed the text appears without underscoring):
- 1) The heading of the Part;
  - 2) The Code citation (include only the Chapter number, the Code abbreviation, the General Act Number followed by a colon and the Part number);
  - 3)

Section Numbers	Proposed Action
(list in numerical order) (include supplementary material	(new Section, amendment, repeal, renumber, etc.)
  - 4) The specific statutory citation upon which the Part is based and authorized;
  - 5) A complete description of the subjects and issues involved;
  - 6) Whether the proposed rule will replace an emergency rule currently in effect;
  - 7) Whether the proposed rule contains an automatic repeal date;
  - 8) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
  - 9) Whether there are any other amendments to this Part, other than those appearing in the same Register issue, pending. If so, specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal;

- 10) A Statement of Statewide Policy Objectives (See Sections 100.110 and 100.415(b));
  - 11) The time, place and manner in which interested persons may present their views concerning the proposed action, and the name, address and phone number of the individual within the agency who may be contacted; and
  - 12) Initial Regulatory Flexibility Analysis (see "Regulatory Flexibility Analysis", Section 100.110):
    - A) Types of small businesses (see Section 1-75 of the Act), small municipalities (see Section 1-80 of the Act) and not for profit corporations (see Section 1-85 of the Act) affected
    - B) Reporting, bookkeeping or other procedures required for compliance
    - C) Types of professional skills necessary for compliance.
- b) Under the Section Numbers and Proposed Action columns at the beginning of the Notice of Proposed Rules as described above in subsection (a)(3) of this Section shall be listed the specific Section Number(s) in numerical order and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register on a quarterly basis. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns.
- c) Only one Part shall be listed per Notice. All new Sections, amendments to existing Sections, and/or repealers of Sections shall be contained on this Notice. Only one Notice per Part for proposed rules will be accepted by the Index Department for publication in a single issue of the Register, unless the agency is repealing a Part in its entirety and proposing a new Part to replace the repealed Part (same subject matter). In this instance only, the Index Department will accept two Notices of proposed rulemaking for one Part number, one for the proposed repealer and one for the proposed new Part, for publication in the same issue of the Register.
- d) If an agency is proposing, amending, or repealing more than one Section, and the agency wishes to have any of the Sections considered as separate rulemakings, the agency shall specify the statutory authority for each separate rulemaking. The

agency shall follow the procedure in Section 100.410(a)(1) through 100.410(a)(12) and, if necessary, specify different people to be contacted for each separate rulemaking. This procedure permits an agency to take those portions of the rulemaking into second notice separately or adopt those portions of the Part at different times.

- e) If an agency intends to hold a public hearing on the proposed rules, the information on the hearing may be included in the Time, Place, and Manner item on the Notice (subsection (a)(11) above) or the agency may submit a Notice of Public Hearing on Proposed Rules as shown in Appendix A, Illustration E. Notice for public hearings on proposed rules will be accepted for Register publication unless a notice for another type of public hearing is required by State statute to be published in the Register.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## 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)

### Section 100.420 Text of Proposed Rules

The text of proposed rules (see Section 100.220) shall begin on the next page following the last line of information required in Appendix A, Illustration A, shall contain the Register headings, the agency name and the action heading, i.e. NOTICE OF PROPOSED RULES (AMENDMENTS, REPEALER) (Section 5-40 of the IAPA requires a notice of rulemaking to contain the text), and shall contain the following information:

- a) If the proposal is a new Part: the full text of the Part including the headings, the complete table of contents, the authority note, and the main source note.
- b) If the proposal is a new Section of a Part with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the new Section. The table of contents must show by underscoring the number and heading of each Section being added. Subparts and their headings shall be shown in the text and Section source notes shall be included at the end of each new Section.
- c) If the proposal is an amendment to a Part (changed language in existing Sections or the addition or deletion of one or more Sections): the headings, the complete table of contents, the authority note, the main source note, and the full text of the affected Sections with language being added indicated by underscoring and language being deleted indicated by strike-outs. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the proposal. Sections being either repealed or renumbered so that no text remains at that Section number shall indicate the word "(Repealed)" or "(Renumbered)" underscored immediately following the Section heading in both the table of contents and the text. Subparts and their headings shall be shown in the text and Section source notes shall be included at the end of each Section.
- d) If the proposal is a repealer of a Section with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the text of the Section being repealed. In the table of contents, the Section being repealed must have the word "(Repealed)" underscored immediately after the heading. No strike-outs shall appear either in the text or the table of contents for Section numbers and headings of proposed repealers. Subparts and their headings shall be shown in the text and Section source notes shall be included for each Section being repealed.
- e) If the proposal is a repealer of a Part: the headings, the complete table of contents, the authority note, the main source note and the full text of the Part being repealed.

- f) If the Part has emergency amendments in effect at the time new amendments are proposed, the text of the proposal shall show the original text (prior to the emergency) with strike-outs and/or underscoring indicating all changes to the original text.

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

Section 100.430 Notice of Corrections

The Index Department shall, at the agency's request, publish Notices of Corrections in the Register. Such Notices shall be prepared by the agency. Please refer to Section 100.240 and 100.250 for further information concerning Notices of Corrections.

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

Section 100.440 Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule

- a) When an agency elects to modify or withdraw, or refuses to modify or withdraw a proposed rule in response to the objections of JCAR, the agency shall submit a Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule to be published in the Register (See 100.Appendix A, Illustration C). An agency may withdraw a proposed rulemaking (cease rulemaking activity on that proposal) without having a JCAR objection by publishing a Notice of Withdrawal of Proposed Rules in the Register. (See 100.Appendix A, Illustration B) Notice of Withdrawal of Proposed Rules (Amendments, Repealer), whether in response to a JCAR objection or not, shall be for the entire rulemaking proposed unless, pursuant to Section 100.410(d), the agency has divided the proposal into several rulemakings. If JCAR issues an objection on a proposed rule, amendment or repealer, the agency must respond to the objection directly to JCAR within 90 days of the receipt of the statement of objection. Failure to do so shall constitute withdrawal of the proposed rule, amendment or repealer and JCAR shall submit a notice to that effect in the next available issue of the Illinois Register. The agency response to JCAR's objection shall be published in the Register, preferably within the 90-day period as specified above.
- b) If an agency response to a JCAR objection takes more than one type of action (that is, modifies and/or withdraws and/or refuses to modify or withdraw), the heading on the Notice shall state the actions taken:
  - 1) If the agency is withdrawing one or more Sections or portions thereof and modifying one or more Sections or portions thereof, the action heading shall state "Notice of Withdrawal and Modification to Meet the Objections of the Joint Committee on Administrative Rules". It shall be noted, however, that withdrawal of one or more Sections in one particular rulemaking constitutes withdrawal of all Sections in that rulemaking. This Notice of Withdrawal and Modification may only be used when one entire rulemaking on a Part is being withdrawn and another entire rulemaking is being modified.
  - 2) If the agency is withdrawing one or more Sections or portions thereof and refusing to modify or withdraw one or more Sections or portions thereof, the action heading shall state "Notice of Withdrawal and Refusal to Modify or Withdraw to Meet the Objections of the Joint Committee on Administrative Rules". (See also the information concerning withdrawal of rules in subsection (1) above.)
  - 3) If the agency is modifying one or more Sections or portions thereof and

refusing to modify or withdraw one or more Sections or portions thereof, the action heading shall state "Notice of Modification and Refusal to Modify or Withdraw to Meet the Objections of the Joint Committee on Administrative Rules".

- 4) If the agency is taking all three actions, the action heading shall state "Notice of Withdrawal, Modification, and Refusal to Modify or Withdraw to Meet the Objections of the Joint Committee on Administrative Rules". (Also refer to the information concerning withdrawal in subsection (1) above.)
- c) On the Notice of Withdrawal (Modification, Refusal to Modify or Withdraw) to Meet the Objections of the Joint Committee on Administrative Rules, the agency shall, under "Action," state the specific action being taken in response to the objection, i.e. withdrawal, modification or refusal to modify or withdraw. (See 100.Appendix A, Illustration C.)
- d) An agency may withdraw a proposed rule without a JCAR objection by publishing a Notice of Withdrawal of Proposed Rules, Amendments or Repealer. (See 100.Appendix A, Illustration B.)
- e) Publication of a Notice of Withdrawal of Proposed Rules, Amendments, or Repealer constitutes withdrawal of the entire rulemaking. However, if the agency has split the action on a Part into several rulemakings pursuant to Section 100.410(d), the agency may elect to withdraw only one of the rulemakings, but that rulemaking shall be withdrawn in its entirety. This Notice is to be used only when withdrawing rulemakings prior to and instead of submitting the rulemaking to JCAR for second notice.
- f) An agency which decides to withdraw one or more Sections from a proposed rulemaking due to comments received during the first notice period shall not publish a Notice of Withdrawal of Proposed Rules, Amendments or Repealer) in the Illinois Register unless the Sections being withdrawn constitute the entire rulemaking. Rather, when submitting the proposed rulemaking to JCAR for second notice, the agency shall specify this withdrawal as a change made to the proposed rulemaking during the first notice period.
- g) If an agency wishes to withdraw one or more Sections of a proposed rulemaking due to agreements made between the agency and JCAR during the second notice period, the agency shall not publish a separate Notice of Withdrawal of Proposed Rules, Amendments or Repealer unless the withdrawal involves the entire rulemaking. Rather, the Sections being withdrawn shall be listed on the Notice of

Adopted Rules, Amendments or Repealer as changes between proposal and adoption.

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

Section 100.445 Requirements for Submitting Materials for Register Publication

- a) All materials submitted for publication must meet the requirements specified in Section 100.220.
- b) All materials submitted for publication must be accompanied by a cover letter. (See Section 100.225).

(Source: Amended at 11 Ill. Reg. 724, effective January 1, 1987)

## Section 100.450 Index Department Review of Proposed Rules

- a) The Index Department staff will review all proposed rules to ensure that publication requirements as outlined in this Part have been met. If corrections are necessary to produce the Register from the Legislative Information System (LIS) database, the Index Department staff will notify the agency. The proposed rules, amendments or repealer will be published in the Register when the material is correct. Agencies shall submit the following:
  - 1) One text version of the rules in ASCII format or an acceptable word processing program on a 3½ inch disc. The disc shall be labeled with the proper code citation.
  - 2) One original and two paper copies of the required Notice Page and rulemaking text. The two paper copies shall be identically compiled and stapled.
  - 3) A cover letter.
- b) The Index Department will review all proposed rules for compliance with this Part during the first 45-day notice period and will send a list of comments on the codification of the proposed rules to the agency and to JCAR.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.500 Requirements for Filing

- a) All rules, amendments or repealers shall be typewritten (or produced on word processing or computer equipment) on plain 8½ x 11 inch, three-hole punched loose-leaf white paper, suitable for being placed in a standard loose-leaf binder for paper that size. One original and two copies shall be filed. There shall be margins of one inch at the top and on each edge of the page and only one side of the paper shall be used. (See 100.Appendix B, Illustration D) All copies submitted shall not be stapled together.
- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Chapter number followed by the General Act number, centered on a solid line exactly one inch from the top of the page. The acronym for the State agency shall appear at the far left on the header line. On the right hand side of the solid line shall be the appropriate Part or Section number. Each Section shall begin on a new page.
- c) The name of the agency shall appear two spaces below the page header only on the first of the file pages.
- d) The Chapter and its heading, the Section number and its heading or the text of the Section if the Section is longer than one page shall be located at least 2 inches from the top of the page to allow for the Code page header. (See subsection (b) above)
- e) When a Section of a Part or a whole Part is repealed or renumbered so that no text remains, a replacement page must be filed: for that Section, when only one Section is involved; or for each Section, when more than one Section is involved; or for the Part, when a Part is totally repealed or renumbered. These replacement pages will carry the Code heading as specified in subsections (b) and (c) above, as well as the following information:
  - 1) For Sections which have been repealed and no text remains:
    - A) The Section number, the heading and the word "(Repealed)";
    - B) A Section source note containing the Register citation for the repeal.
  - 2) For Sections which have been renumbered or recodified and no text remains:

- A) The Section number, the heading and the word "(Renumbered)" or "(Recodified)";
  - B) A Section source note containing the Section number to which the Section has been renumbered or recodified and the Register citation for the action.
- 3) For Parts which have been repealed:
- A) The Chapter and the General Act along with their respective headings;
  - B) The Part number and its heading with the word "(REPEALED)";
  - C) A source note containing the Register citation for the repeal.
- 4) For Parts which have been recodified and no text remains:
- A) The Chapter and General Act along with their respective headings;
  - B) The Part number and its heading with the word "(RECODIFIED)";
  - C) A source note containing the Register citation for the recodification action.
- f) Adopted rules filed with the Index Department shall not contain either strike-outs or underscoring.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.510 Other Documents Required for Filing Adopted Rules

- a) Each adopted rule submitted by an agency to the Code Division for filing and publication shall be accompanied by the following:
  - 1) An agency certification (See 100.Appendix B, Illustration C);
  - 2) A JCAR Certification of No Objection issued on the rules, or, if JCAR has issued an objection, the agency's response to such objection (see Section 100.440 and 100.Appendix A, Illustration C) and the JCAR certification that the agency has responded to the objection unless the rules are statutorily exempt from JCAR review;
  - 3) A cover letter (See Section 100.225);
  - 4) A written copy of the JCAR-agency agreements (See definition of "Agreements" in Section 100.110) issued on the rulemaking resulting from the meeting between JCAR and the agency.
- b) In the event JCAR does not issue either a Certification of No Objection or a Statement of Objection and the agency and JCAR have not agreed to an extension of the review period, the agency may submit the rules for adoption after the expiration of the 45-day second notice period without the information required in subsection (a)(2) above. However, this must be stated on the cover letter so that the Index Department will not reject the rules on this technicality.
- c) The Index Department does not sign the Certificate of Review and Approval until the rules submitted meet the codification, filing and Register publication requirements outlined in this Part. The original Certificate is filed with the rules, amendments or repealer.

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

Section 100.520 Requirements for Illinois Register Publication

An agency submitting adopted rules, amendments or repealers for Illinois Register publication shall follow the procedures outlined in Section 100.Subpart B.

(Source: Amended at 11 Ill. Reg. 724, effective May 1, 1987

## Section 100.530 Notice of Adopted Rules

- a) Each adopted rule submitted for Register publication shall be part of a Notice of Adopted Rules (Amendments, Repealers) (see Appendix B, Illustration A) at the beginning of which the information listed in subsections (a)(1) through (15) below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the adopted rulemaking is an amendment to an existing Part (except for a repeal of an entire Part or a repeal of one or more Sections of a Part with no other rulemaking action occurring at the same time), the text as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring:

- 1) The heading of the Part;
- 2) The Code citation (include only the Chapter number, the Code abbreviation, General Act number followed by a colon and the Part number);
- 3)

Section Numbers	Proposed Action
(list in numerical order) (include supplementary material)	(new Section, amendment, repeal, renumber, etc.)
- 4) The specific statutory citation upon which the Part is based and authorized;
- 5) The effective date of the adopted action (see also Section 100.550);
- 6) Whether the rule contains an automatic repeal date (see Section 100.335);
- 7) Whether the adopted rule (amendment) contains incorporations by reference pursuant to Section 6.02(b) of the Act;
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection;
- 9) The date(s) the Notice(s) of Proposed Rules was (were) published in the Illinois Register (include the Register citation(s) to the page);
- 10) Whether JCAR issued a statement of objection to the rules and, if so, the following information:

- A) Date and Register citation to the objection;
  - B) Date and Register citation to the agency's response;
  - C) Date agency submitted the response to JCAR;
- 11) A statement of the changes made between the proposed and adopted versions;
  - 12) A statement that all the changes agreed upon by JCAR and the agency have been made as indicated in the agreements issued by JCAR to the agency (see definition of "agreements," Section 100.110);
  - 13) Whether this rule will replace an emergency rule currently in effect. If an emergency was originally filed but has since expired, the answer to this question is "no";
  - 14) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this adoption. If so, please specify the Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;
  - 15) Summary and purpose of rulemaking; and
  - 16) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.
- b) If numbering changes are made, these changes must be specified on the Notice.
  - c) Under the Section Numbers and Adopted Action columns at the beginning of the Notice of Adopted Rules (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Index Department staff to accurately compile the Sections Affected Index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns.
  - d) Only one Part shall appear per Notice. All new Sections, amendments to existing Sections and repealers of Sections must be listed on the one Notice. The Index Department will accept only one Notice per Part for adopted rules for publication

in a single issue of the Register, unless the agency is repealing the Part in its entirety and adopting a new Part with the same subject matter to replace the repealed Part. In this instance only, the Index Department will accept two Notices of adopted rulemaking, one for the repealer and one for the new Part, for publication in the same issue of the Register.

- e) If an agency is adopting several Sections which were proposed as separate rulemakings, the statutory authority and description of the rulemaking shall be divided clearly.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.540 Text of Adopted Rules

- a) The text of the adopted rules shall begin on the next page following the last line of information required on the Notice by Section 100.530(a)(1) through (16) and Appendix B, Illustration A, shall contain the Register headings, the agency name and the action heading (NOTICE OF ADOPTED RULES (AMENDMENTS, REPEALER)), and shall include the following information for publication in the Register:
- 1) If the adopted rule is a new Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the new Part.
  - 2) If the adopted rule is a new Section with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the Section being adopted. The table of contents must show by underscoring the Section number and heading being added. Subparts and their headings shall be shown in the text. The Section must also contain the appropriate Section source note(s). (See Section 100.330)
  - 3) If the adopted rule is an amendment to the Part (changed language in one or more Sections or the addition or deletion of one or more Sections): the headings, the complete table of contents, the authority note, the main source note, and the full text of the Sections being amended identifying by strike-outs or underscoring the changes between the original rule on file with the Index Department and the final version. Subparts and their headings shall be shown in the text. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the adopted amendments. Sections which are being either renumbered or repealed so that no text remains at that Section number shall have the word "(Repealed)" or "(Renumbered)", as the case may be, immediately following the Section heading in both the table of contents and the text. The Section(s) must also contain the appropriate Section source note(s) (see Section 100.330).
  - 4) If the adopted rule is a repealer of a Part: the full text shall not be published but the file copy must show the headings of the Part with "(Repealed)"; a source note with the repeal citation to the Illinois Register shall replace the main source note if the Part is not being replaced by new text. When the entire Part is being repealed, strike-outs shall not be used. The last line of the required information on the Notice pursuant to

Appendix B, Illustration A shall be omitted.

- 5) If the adopted rule is a repealer of a Section with no other changes to the Part: the full text shall not be published in the Register but a new complete table of contents for the Part showing the word "(Repealed)" following the heading of the repealed Section must be filed along with a replacement page for the repealed Section. (See Section 100.500(d)) When an entire Section is being repealed with no other changes to the Part, strike-outs shall not be used. In this case, the last line of the required information on the Notice pursuant to Appendix B, Illustration A, shall be omitted.
- b) If Sections of the Part have been renumbered, those changes must be indicated in the text and table of contents of the Part in the Register publication. The text of Sections which are being renumbered from another Section in its entirety shall appear in numerical order according to where they are being adopted as renumbered. (See Section 100.345)
- c) If emergency amendments to the Part are in effect at the time new amendments are being adopted and the new amendments do not replace the emergency amendments, the table of contents for both filing and Register publication shall indicate the Sections on which emergencies are still in effect. (See Sections 100.620 and 100.630)

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

## Section 100.545 Index Department Review of Adopted Rules

The Index Department staff will review all adopted rules, amendments and repealers for publication, filing, and codification requirements upon the agency's submission of the material to the Index Department following the end of the second notice period. The Register and file versions will be checked for compliance with this Part. Agencies shall submit the following:

- a) One acceptable word processing version of the Notice of Adopted Rules on a 3½ inch disc.
- b) One original and two copies of the Register pages correctly collated and stapled with the Notice preceding the text.
- c) The original and two copies of the file pages that are all three-hole punched, not stapled and printed on one side of the page, with the agency certification preceding the files pages.
- d) The JCAR Certification of No Objection or, if JCAR has issued an objection, the agency's response to the objection in proper format pursuant to this Part.
- e) A copy of the JCAR agreements issued on the rulemaking resulting from JCAR review of the rulemaking and the agency.
- f) A cover letter describing the material being submitted.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.550 Certificate of Review and Approval

- a) Following the expiration of the second notice period, the agency shall submit a copy of both the Register and file copies of the final version of the rule for review by the Index Department at least five (5) working days prior to the date the agency wishes to adopt, amend or repeal the rule. The Index Department will sign the Certificate of Review and Approval (100.Appendix B, Illustration C) when the material to be adopted meets the codification, filing and Register publication requirements outlined in this Part.
- b) The agency should, prior to submitting adopted rules for final review, check the text of the rules or amendments to ensure the inclusion of all agreements for changes made with JCAR (see definition of "Agreements," Section 100.110) and that the Administrative Code computer data base version is correct, and that all Administrative Code requirements have been met. If the agency determines that all material is correct, it shall so specify on the Notice of Adopted Rules (Amendments Repealer).

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

### Section 100.600 Filing; Agency Certification

Emergency rules shall be filed with the Index Department as provided in this Subpart, Sections 100.220, 100.500, 100.510, and 100.540 of this Part and Section 5-45 of the IAPA. When an agency files an emergency rule, a situation must exist which the agency *finds reasonably constitutes a threat to the public interest, safety or welfare*. Accompanying the emergency rules must be:

- a) a certification of the emergency rules as shown in 100.Appendix C, Illustration C. This certification must specify the reason for the emergency, and
- b) a cover letter specifying the material being submitted and the reason for submission (filing, Register publication, review, etc.).

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

## Section 100.610 Notice of Emergency Rules

- a) Each emergency rule submitted for publication in the Illinois Register shall include a Notice of Emergency Rules (Amendments, Repealers) (see 100.Appendix C, Illustration A) at the beginning of which the information listed in subsections (a)(1) through (12) below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the rulemaking amends or repeals an existing Part, the text shall appear as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring.
- 1) The heading of the Part;
  - 2) The Code citation (include only the Chapter number, the Code abbreviation, General Act number followed by a colon and the Part number);
  - 3)

Section Numbers (list in numerical order) (include supplementary material)	Proposed Action (new Section, amendment, repeal, renumber, etc.)
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  - 4) The specific statutory citation upon which the rule is based and authorized;
  - 5) The effective date of the rule (immediately or less than 10 days after filing);
  - 6) If this emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the general rulemaking process), please specify the date;
  - 7) Date filed with the Index Department;
  - 8) A statement that a copy of the emergency rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection;
  - 9) The reason for the emergency;
  - 10) A complete description of the subjects and issues involved;

- 11) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules. If so, please specify Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;
  - 12) A Statement of Statewide Policy Objectives, if applicable (see also Sections 100.110 and 100.415(b));
  - 13) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.
- b) Under the Section Numbers and Emergency Action columns at the beginning of the Notice of Emergency Rules (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Index Department staff to accurately compile the Sections Affected Index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must be listed in these columns.
- c) All emergency action to one Part shall appear on one Notice, unless the Part is being repealed in its entirety and replaced by a new Part (same subject matter) by emergency action. In this instance only, two Notices, one for the repealer and one for the new Part, will be accepted for publication in one issue of the Register.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.620 Text of Emergency Rules

The text of emergency rules shall begin on the next page following the last line of information required on the Notice by 100.Appendix C, Illustration A, shall contain the Register headings, the agency name and the action heading NOTICE OF EMERGENCY RULES (AMENDMENTS, REPEALER), and shall include the following information for publication in the Illinois Register:

- a) If the emergency rule is a new Part: the full text of the Part including headings, the complete table of contents with the word "EMERGENCY" appearing immediately under each Section number, the authority note, and the main source note. Immediately under each Section number in the text shall appear the word "EMERGENCY".
- b) If the emergency rule is a new Section(s) of a Part with no other changes to the Part: the full text of the Section(s) including headings, the complete table of contents with the word "EMERGENCY" appearing immediately under the number of the affected Sections, the authority note, and the main source note for the Part. Subparts and their headings shall appear in the text. Each Section must have an appropriate Section source note. (See Section 100.330) Immediately under each Section number in the text shall appear the word "EMERGENCY".
- c) If the emergency rule is an amendment to the Part (changed language in one or more Sections and/or the addition or deletion of one or more Sections: the full text of the Section(s) including the headings, the complete table of contents with the word "EMERGENCY" appearing immediately under the Section numbers for the affected Sections and emergency changes to headings and numbers indicated by strike-outs and underscoring, the authority note and the main source note for the Part. Subparts and their headings shall appear in the text. Language being deleted shall be indicated by strike-outs and language being added indicated by underscoring. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the emergency amendments. Each affected Section must have an appropriate Section source note. (See Section 100.330) Immediately under each Section number in the text shall appear the word "EMERGENCY".
- d) If the emergency rule is a repealer for a Part: the full text of the Part including the headings, the complete table of contents, the authority note, and the main source note.
- e) If the emergency rule is a repealer of a Section with no other changes to the Part: the full text of the Section including the headings, the complete table of contents

with the word "EMERGENCY" appearing immediately under the Section number for each affected Section and the word "(Repealed)" immediately following the Section heading, the authority note, and the main source note for the Part. Subparts and their headings shall appear in the text. Immediately under the Section number in the text shall appear the word "Emergency" with the word "(Repealed)" immediately following the Section heading.

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

Section 100.630 File Copy of Emergency Rules

Each emergency rule submitted for filing shall follow the procedures for adopted rules as specified in Sections 100.500 and 100.510; however, immediately under the Section number of each affected Section shall be the word EMERGENCY in both the table of contents and the text.

(Source: Amended at 7 Ill. Reg. 10880, effective September 1, 1983)

## Section 100.640 Effectiveness

- a) Pursuant to Section 5-45 of the IAPA, *an emergency rule may be in effect for not longer than 150 days. No emergency rule may be adopted more than once in any 24-month period* except as noted in Section 5-45 of the Act.
  - 1) If the agency involved does not adopt, amend, or repeal, the rule through the general rulemaking process during the 150-day period, the rule shall automatically expire at the end of the period.
  - 2) If the agency adopts the rule through the general rulemaking process prior to the expiration of the 150-day period, the permanently adopted rule will automatically replace the emergency rule.
  - 3) If the emergency is due to expire before the expiration of the 150-day period (other than by means of adopting the rule through the general rulemaking process), the date on which the emergency rule is to expire shall be shown on the Notice of Emergency Rules (Amendments, Repealer).
- b) In the event an emergency rule expires without being adopted through the general rulemaking process, the Index Department will replace the expired emergency Sections with the original text of the affected Sections in effect prior to the emergency. (See Section 5-45 of the IAPA) The agency shall file a new table of contents page(s) with the Index Department. The new table of contents shall not contain the word "EMERGENCY" under the Section numbers unless another emergency rule is still in effect on that Part. It shall include an updated main source note entry indicating the emergency expiration date immediately following the emergency affected.
- c) If the expiration involves a new Section, a new table of contents will be required with "emergency expired)" noted next to the Section heading(s) involved; an entry following the emergency action noting the emergency expiration date in the main source note; and a replacement page for the Section showing the Section heading(s) followed by "(emergency expired)" and the Section source note reflecting the emergency action followed by the emergency expiration date.
- d) If the expiration involves a new Part, a replacement page will be required for filing with the proper headings and a source note indicating the emergency action involved and the emergency expiration date.

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

### Section 100.650 Adoption as a Permanent Rule

An agency may adopt an emergency rule pursuant to Section 5-45 of the Act while simultaneously proposing the rule for permanent adoption. This proposed rule is subject to the general rulemaking procedures as outlined in this Part. If the emergency and the proposed rule are identical and appear in the same issue of the Register, the text of the rule need only be printed once. If the proposed rule and the emergency rule are not identical, the text of both rules must be published in the Register. If the emergency rule and the proposed rule appear in different issues of the Register, whether or not the rules are identical, the full text of each rule must be printed in the Register.

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

Section 100.655 Index Department Review of Emergency Rules

The Index Department will review emergency rules (amendments, repealer) in accordance with the specifications listed in Section 100.545 with the following addition: The word EMERGENCY must appear immediately under the Section number of each Section affected both in the Part's table of contents and in the text both for the Register version and the file.

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

### Section 100.660 Certificate of Review and Approval

Emergency rules should be submitted to the Index Department for review five (5) working days prior to the date the emergency rule is to take effect. If time requires, however, the emergency rule may be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the filing and/or publication requirements as outlined in this Part have not been met, the material cannot be published until the appropriate corrections have been made and the material has been re-submitted to the Index Department. These codification changes shall affect neither the validity of the rule nor its effective date. When the rule meets the rulemaking requirements outlined in this Part, the Index Department will sign its Certificate of Review and Approval.

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

## Section 100.670 Modification of an Emergency Rule

- a) To modify an emergency rule in response to an objection issued by JCAR, the agency must submit to the Index Department one ASCII format file or an acceptable word processing program on a 3½ inch disc, one original and two paper copies of a Notice of Modification of Emergency Rules (Amendments, Repealer) in Response to a JCAR Objection which indicates the following:
  - 1) The heading of the Part;
  - 2) The Code citation;
  - 3) Section numbers;
  - 4) Illinois Register citation to the Notice of Emergency Rules (Amendments, Repealer);
  - 5) Illinois Register citation to the JCAR Statement of Objection;
  - 6) The effective date of the emergency rulemaking;
  - 7) The date the modified rules were filed in the Code Division;
  - 8) The specific modifications being made; and
  - 9) The full text of the Sections being modified showing by strike-outs and underscoring the changes being made.
- b) The format for this Notice is shown in 100.Appendix C, Illustration D.
- c) The agency shall also submit one original and two copies of the modified Sections for filing including the Part's table of contents and all affected Sections.
- d) A cover letter and agency certification must also accompany the materials listed above.
- e) These modifications do not extend the original 150 day time limit of the emergency rulemaking.
- f) The modified rules (amendments, repealer) must also meet all the codification, filing, and publication requirements as outlined in this Part prior to the Code Division's filing and publishing the Notice of Modification to Emergency Rules

(Amendments, Repealer).

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.680 Repeal of an Emergency Rule

If an emergency rule must be repealed before the end of the 150 day period (other than by means of a specified expiration date specified on the original Notice of Emergency Rules (Amendments, Repealer), the repeal must be an emergency repeal even if done in response to a JCAR objection. Any rules which have been adopted and filed in the Index Department may not be withdrawn.

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

**Section 100.700 Submission; Agency Certification**

*If an agency is required by federal law, federal rules or a court order to adopt a rule, an amendment to a rule or a repealer under conditions which preclude it from complying with the general rulemaking procedures as outlined in this Part and Section 5-50 of the IAPA, the agency shall submit file copies of the rule according to Sections 100.500, 100.510(a) and (c) and 100.540 and publication copies of the rule according to Section 100.220 within thirty (30) days after a change in the rules is required. A certification of the preemptory rules in the form as shown in 100.Appendix D, Illustration C shall accompany the rule. A cover letter describing all materials submitted shall also accompany the rules.*

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

## Section 100.710 Notice of Peremptory Rules

- a) Each peremptory rule submitted for Register publication shall include a Notice of Peremptory Rules (Amendments, Repealers) (see 100.Appendix D, Illustration A) at the beginning of which shall appear the information listed in subsections (a)(1) through (13) below. On the next page shall appear the full text of the rules and, if the peremptory rulemaking is an amendment to or repeal of an existing Part, the text as it is on file in the Code Division with all changes shown by strike-outs and/or underscoring.
- 1) Heading of the Part;
  - 2) Code Citation (include only the Chapter number, the Code abbreviation, General Act number followed by a colon and the Part number);
  - 3)

Section Numbers (list in numerical order) (include supplementary material)	Proposed Action (new Section, amendments, repeals, renumbering, etc.)
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  - 4) Reference to the appropriate State or federal court order, federal law, federal rule, or collective bargaining agreement and the agency's reason for peremptory rulemaking;
  - 5) Statutory authority;
  - 6) Effective date;
  - 7) A complete description of the subjects and issues involved;
  - 8) Whether the rule contains an automatic repeal date;
  - 9) Date filed with the Index Department;
  - 10) A statement that a copy of the peremptory rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection;
  - 11) A statement that the rule is filed in compliance with Section 5-50 of the Act;

- 12) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this peremptory rulemaking. If so, please specify Section numbers, the proposed action, and the Register citation to the Notice of Proposed Rules;
  - 13) A Statement of Statewide Policy Objectives (if applicable) (see Sections 100.110 and 100.415(b)); and
  - 14) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed.
- b) Under the Section Numbers and Peremptory Action columns at the beginning of the Notice of Peremptory Rules (Amendments, Repealer) (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns.
- c) All peremptory rulemaking action for one Part shall appear on one Notice. The Index Department will not accept for Register publication more than one Notice per Part per issue of the Register, unless the agency is repealing a Part in its entirety and adopting a new Part (same subject matter) to replace the repealed Part. In this instance only, the Index Department will accept two Notices, one for the repealed Part and one for the new Part, for publication in the same issue of the Register.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.720 Text of Peremptory Rules

The text of peremptory rules submitted for Register publication shall begin on the next page following the last line of the information required by Appendix D, Illustration A and shall include:

- a) If the peremptory rule is a new Part: the full text of the Part including the headings, the complete table of contents, the authority note, and the main source note.
- b) If the peremptory rule is a new Section(s) to a Part with no other changes being made to the Part: the full text of the affected Section(s) including the headings, the complete table of contents, the authority note, and the main source note for the Part. The table of contents shall indicate by underscoring the Section(s) being added. Subparts and their headings should appear in the text so that the public has a better understanding of how the new Section relates to the Part as a whole. The affected Sections shall include appropriate Section source notes. (See Section 100.330)
- c) If the peremptory rule is an amendment to a Part (new Sections, changed language in existing Sections or the repeal of Sections): the full text of the Sections affected including the headings, the complete table of contents, the authority note, and the main source note for the Part. the text shall indicate peremptory changes by appropriate strike-outs and/or underscoring. Subparts and their headings should appear in the text so that the public has a better understanding of how the amendment relates to the Part as a whole. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the peremptory amendment. The Section(s) shall contain the appropriate Section source note(s). (See Section 100.330) For Sections being repealed, the word (Repealed) shall appear immediately after the Section heading in both the table of contents and the text. For Sections being renumbered, the word (Renumbered) shall appear immediately after the Section heading in the table of contents and the text.
- d) If the peremptory rule is a repealer of a Part: the full text of the Part including the headings, the complete table of contents, the authority note, and the main source note.
- e) If the peremptory rule is a repealer of a Section of a Part with no other changes being made to the Part: the full text of the Section including the headings, the complete table of contents, the authority note, and the main source note for the Part. The word (Repealed) shall immediately follow the Section heading of each Section being repealed both in the table of contents and the text. Subparts and

their headings should appear in the text so that the public has a better understanding of how the repealed Section relates to the Part as a whole. Affected Sections must contain appropriate Section source notes.

(Source: Amended at 11 Ill. Reg. 724, effective May 1, 1987)

Section 100.730 File Copy of Peremptory Rules

Peremptory rules submitted for filing with the Secretary of State shall follow the procedures as outlined in Sections 100.500 and 100.510.

(Source: Amended at 7 Ill. Reg. 10880, effective September 1, 1983)

Section 100.735 Index Department Review of Peremptory Rules

The Index Department will review peremptory rules (amendments, repealer) in accordance with the specifications listed in Section 100.545.

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

### Section 100.740 Certificate of Review and Approval

Agencies should submit peremptory rules to the Index Department for review at least five (5) working days before the rules are to become effective. If time requires, however, a peremptory rule will be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the material being submitted does not meet the filing and/or publication requirements as outlined in this Part, the material will be returned to the agency for corrections prior to being accepted for filing publication. When the Part meets the codification requirements outlined in this Part, the Index Department will sign the Certificate of Review and Approval. See Section 100.550

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

## Section 100.800 Requirements

- a) Each agency shall adopt rules on the following pursuant to Section 5-15 of the Act:
  - 1) *a description of the current organization of the agency including charts of such organization;*
  - 2) *procedures on public access to subjects, programs, and activities of the agency;*
  - 3) *tables of contents, indexes, reference tables, and other materials to aid users in finding and using the agency's collection of rules currently in force;*
  - 4) *the rulemaking procedures of the agency including any flow charts depicting such;*
  - 5) *a location for public inspection of incorporated reference materials.*
- b) Agency organization charts shall neither specify names of individuals nor contain pictures of individuals. Rather, they shall specify only the bureaus, departments, divisions, sections, or units applicable to the agency.
- c) Rules specifying minimum qualifications for administrative law judges, as required by Section 10-20 of the Act, may be adopted pursuant to Section 5-15 or Section 5-35.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

### Section 100.810 Effectiveness; Exemption from Notice

Rules filed pursuant to this Subpart become effective upon filing with the Index Department, and may be adopted, amended, or repealed without the Notice of Proposed Rules (Amendments, Repealer). Agencies shall submit a copy of both the Register version and the file version for review five (5) working days prior to the date the rules are to become effective. The file copy of such rules shall be as specified in Section 100.500. A Notice of Adopted Rules (Amendments, Repealer) and the text of the rules shall be submitted by the agency for publication in the Illinois Register as outlined in Sections 100.530 and 100.540. The agency shall also submit an agency certification of the rules as illustrated in 100.Appendix B, Illustration C and those documents specified in Section 100.510(a).

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

Section 100.815 Index Department Review of Internal Rules

The Index Department will review all internal rules (amendments, repealers) for compliance with the filing, codification, and publication requirements pursuant to Section 100.545.

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

Section 100.820 Certificate of Review and Approval

Each internal rule submitted to the Index Department for filing and for Register publication shall be issued the signed Certificate of Review and Approval (100.Appendix B, Illustration C), indicating that the codification, filing, and publication requirements outlined in this Part have been met. (See Sections 100.450 and 100.550)

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

Section 100.900 Certified Statements from Joint Committee on Administrative Rules

If JCAR prohibits the filing of a proposed rule or suspends an emergency or peremptory rule, pursuant to Sections 5-115 and 5-125 of the Act, it shall submit a certified statement prohibiting the rulemaking to the Index Department. The certified statement shall be in accordance with Illinois Register publication requirements as outlined in Section 100.220 of this Part.

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

## Section 100.910 Prohibition of the Filing of Rules

- a) *Proposed rules shall not be filed by the Secretary of State for at least 180 days after receipt of the certified statement from JCAR prohibiting the filing. The effectiveness of emergency or preemptory rules shall be suspended for at least 180 days following the receipt by the Secretary of State of the certified statement from JCAR. During this 180-day period, the agency may not file, and the Secretary of State shall not accept, any rule having substantially the same purpose and effect as the suspended rules. (Sections 5-115 and 5-125 of the Act)*
- b) *The Secretary of State will indicate prominently on the face of the affected rule such suspension for emergency and preemptory rules. (Section 5-115 of the Act)*

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

Section 100.920 Continuation of Prohibition

*Passage of a joint resolution by the General Assembly to continue the prohibition (within the 180-day period) shall have the effect of permanently prohibiting the agency from filing the proposed rule(s). In the event of emergency or peremptory rule(s), the rule(s) shall be immediately repealed. The Secretary of State shall remove prohibited rules(s) from its collection of current rules. (Sections 5-115 and 5-125 of the Act)*

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

Section 100.1000 Certified Rules; Inspection

As specified by Section 5-65 of the IAPA, each agency is required to file both in the Office of the Secretary of State and the agency's principal office a certified copy of all rules adopted by the agency including any amendments to or repeal of such rules or portions thereof. Both the Index Department and the agency shall keep a permanent register of the rules which shall be open to public inspection.

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

Section 100.1010 Photocopies and Fees

The Index Department shall provide a copy of any rule, including a certification thereof when requested, to the public upon request, either in person or in writing, such copies being subject to fees according to Ill. Rev. Stat. 1991, ch. 53, par. 24 [5 ILCS 290/10].

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

Section 100.1020 Illinois Administrative Code

The Illinois Administrative Code provides public access to all the rules of the state's agencies on file with the Office of Secretary of State. The Index Department will publish an annual Code. The Illinois Register serves as the weekly supplement to the Illinois Administrative Code.

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

Section 100.1025 Public Domain

*The codification system, the indexes, tables and other aids for locating rules prepared by the Secretary of State, notes, and other materials developed under this Section in connection with the publication of the Illinois Administrative Code and Illinois Register shall be the official compilation of the administrative rules of Illinois and shall be entirely in the public domain for purposes of federal copyright law. (Sec. 5-80 of the Act.)*

(Source: Amended at 26 Ill. Reg. 13067, effective August 11, 1994)

### Section 100.1100 Recodification of Rules

When an agency or the Index Department determines that, for public information and understanding or for better coordination of its rules, recodification is necessary, it shall follow the procedures as outlined in Section 100.1110. Parts or Sections thereof shall be recodified when:

- a) an entire Part is being renumbered;
- b) more than 6 Sections of a Part are being renumbered;
- c) one or more Sections are being split into two or more Sections;
- d) two or more Sections are being combined into one Section;
- e) one or more Sections of a Part are being renumbered so that the numerical list of the Sections and/or alphabetical list of the Subparts in which they appear falls out of order;
- f) Subparts are being changed;
- g) Agency names are being changed;
- h) Title numbers or headings are being changed;
- i) General Act numbers are being changed.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.1110 Notice of Recodification

- a) An agency recodifying its existing rules with no substantive changes is exempt from the notice requirements of Section 5-40 of the IAPA and from the publication of the full text of the rules. However, the agency shall be required to submit a Notice of Recodification (see 100.Appendix E, Illustration A) for publication in the Illinois Register. Such Notice shall contain the following information:
- 1) The heading of the Part;
  - 2) The Code citation;
  - 3) The date of Index Department review;
  - 4) The current headings and numbers of the rules being recodified;
  - 5) The outline of headings of Sections of the rules as recodified;
  - 6) A conversion table of present and recodified rules.
- b) When an agency recodifies a Part, it must submit a copy of the Notice of Recodification and a copy of the text of the Part as recodified to the Index Department for review at least 30 days prior to the date the agency wishes to adopt the recodified Part.
- c) In the event an agency or agencies are reorganizing or merging, all the Parts that are being recodified may be listed on a single Notice of Recodification.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.1115 Index Department Review of Recodified Rules

The Index Department staff will review each recodified rule to check compliance with the specifications outlined in Section 100.545(b) and Appendix E, Illustration A.

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

### Section 100.1120 Certificate of Review and Approval

Prior to filing recodified rules with the Index Department, the agency must obtain a Certificate of Review and Approval from the Index Department (See Appendix E, Illustration C and Sections 100.450 and 100.550). Such Certificate shall only be issued when the rules being recodified meet the requirements not only of codification but also of filing and publication as outlined in this Part. Prior to accepting recodified rules for filing, the Index Department staff shall review the rules and the Notice of Recodification to ensure that they meet the codification, filing, and publication requirements as outlined in this Part and, if so, will issue a Certificate of Review and Approval. Please refer to Section 100.550 for further information on the Certificate of Review and Approval.

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

Section 100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules

- a) The format for Register publication of JCAR Statements of Objection or Recommendation shall be as shown in Appendix E, Illustration E and as follows:
  - 1) Under "Heading of the Part," the heading of the Part on which objections are being issued shall be listed as it appears on the Part's table of contents on file and in effect in the Index Department or, if the Part is a new one, as the heading appeared on the Part's table of contents as published in the Register. No Section headings are to be listed here.
  - 2) Under "Code Citation," the citation to the Part as it appeared in the proposal published in the Register shall be shown.
  - 3) Under "Section Numbers," the Section numbers as they appeared in the proposal shall be listed. No subsection labels are to be listed in this column.
  - 4) Under "Proposed Action," the action as shown on the Notice of Proposed Rules (Amendments, Repealer) shall be listed.
  - 5) Each page of the Notice shall have the four Register headings as shown in Appendix E, Illustration E.
- b) For all other Notices submitted by JCAR for Register publication:
  - 1) Each page of the Notice shall contain the following:
    - A) The Register heading (the words ILLINOIS REGISTER centered on a solid line one inch from the top of the page);
    - B) The name of the agency in all capital letters one double-space under the solid line;
    - C) The type of Notice in all capital letters one double-space under the agency name;
    - D) The text of the Notice beginning one double-space under the type of Notice.
  - 2) If the Notice concerns rules on file in the Code Division or a new Part

being proposed, the first page shall also specify:

- A) The name of the agency whose rules the Notice concerns;
- B) The Code Citation for the Part;
- C) The Section Numbers of the Part involved.

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

Section 100.1140 Index Department Review of Other Notices and Materials Submitted for Register Publication

The Index Department will review other Notices and materials submitted for Register publication to:

- a) determine whether they meet the publication requirements outlined in this Part, and
- b) determine whether they are statutorily required to be published in the Illinois Register.

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

## Section 100.1150 Regulatory Agendas

Pursuant to Section 5-60 of the IAPA, an agency shall submit for publication in the Illinois Register by January 1 and July 1 of each year a regulatory agenda to elicit public comments concerning any rule which the agency is considering proposing but for which no notice of proposed rulemaking activity has been submitted to the Illinois Register. The format for a regulatory agenda appears in 100.Appendix E, Illustration F. All regulatory agendas submitted to the Index Department shall meet the requirements for Register publication as outlined in this Part. *If an agency finds that a situation exists that requires the adoption of a rule that was not summarized on either of the 2 most recent regulatory agendas, it shall state the reasons in writing together with the facts that form their basis upon filing notice of proposed rulemaking with the Secretary of State [5 ILCS 100/5-60] in the format in 100.Appendix A, Illustration A.*

(Source: Amended at 19 Ill. Reg. 7626, effective June 1, 1995)

Section 100.1160 Regulatory Flexibility Notice

Pursuant to Section 5-30 of the Act, the Department of Commerce and Community Affairs may submit a Regulatory Flexibility Notice (100.Appendix E, Illustration G) for proposed rules which affect small businesses before the expiration of the notice period required under subsection (b) of Section 5.40 of the Act to be published in the next available Register.

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

Section 100.1200 Availability

- a) Each state agency having rules on file in the Office of the Secretary of State, Index Department, the constitutional officers, and members of the Illinois General Assembly shall receive, upon request, one complimentary set of the Illinois Administrative Code. Requests must be received in writing by the Index Department. The Illinois State Library will receive forty (40) sets for the depository library program. Any additional sets desired by an agency must be purchased.
- b) All other persons, businesses, and organizations wishing to purchase sets of the Illinois Administrative Code may purchase them at the fee specified in Section 100.1210.
- c) All orders will be filled on a first-come, first-served basis.
- d) All requests for purchase must follow the procedures specified in Section 100.1210.

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

## Section 100.1210 Fees

- a) The Illinois Administrative Code is available at a fee of \$290.00 per set from the Index Department which covers publication and mailing costs, as specified in Section 5-80(f) of the IAPA.
- b) All requests for complete sets of the Illinois Administrative Code may be charged to an accepted credit card or must be requested in writing and accompanied by a check or money order made payable to SECRETARY OF STATE. Cash will not be accepted.
- c) Requests for complete sets of the Illinois Administrative Code will be honored on a first-come, first served basis until supplies are depleted.

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

Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION A Notice of Proposed Rules

For detailed information on this Notice, please refer to Section 100.410.

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ILLINOIS REGISTER

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(AGENCY NAME)

NOTICE OF PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Section Numbers:                      Proposed Action:
- 4) Statutory Authority:
- 5) A Complete Description of the Subjects and Issues Involved:
- 6) Will this proposed rule replace an emergency rule currently in effect?
- 7) Does this rulemaking contain an automatic repeal date? \_\_Yes \_\_No  
If "yes," please specify the date:
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference?
- 9) Are there any other proposed amendments pending on this Part?  
  
Section Numbers   Proposed Action   Illinois Register Citation
- 10) Statement of Statewide Policy Objectives:
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected:

- B) Reporting, bookkeeping or other procedures required for compliance:
  - C) Types of professional skills necessary for compliance:
- 13) Regulatory Agenda on which this rulemaking was summarized:  
Jan. 19 \_\_ July 19 \_\_ OR  
This rule was not included on either of the 2 most recent agendas because:

The full text of the Proposed Rule(s) begins on the next page:

AGENCY NOTE: The solid line shall be exactly one inch from the top of the page. Also, if the proposal is a new Part, use the type of action statement as shown in this illustration; if the proposal is an amendment to a Part (new Sections being added, existing Sections being amended or repealed), the action shall state NOTICE OF PROPOSED AMENDMENT(S); If the proposal is a repealer of an entire Part, the action shall state NOTICE OF PROPOSED REPEALER.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION B Notice of Withdrawal of Proposed Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Section Numbers: Proposed Action:
- 4) Date Notice of Proposed Rules (Amendments, Repealer) Published in the Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
 (issue date)

- 5) Reason for the withdrawal:

NOTE: This Notice of Withdrawal is to be used only when withdrawing rules that have not been moved by the agency to second notice. If the proposal was a new Part, the type of action statement shall be as shown above; if the proposal was amendments to an existing Part, the action shall state NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS; if the proposal was a repeal of an entire Part, the action shall state NOTICE OF WITHDRAWAL OF PROPOSED REPEALER.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)



Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION D Notice of Corrections to Proposed Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF CORRECTIONS TO PROPOSED RULES

- 1) Heading of the Part for which proposed rulemaking is being corrected:
- 2) Code Citation:
- 3) Illinois Register citation to Notice of Proposed Rules (Amendments, Repealer):

\_\_\_\_\_ Ill. Reg. \_\_\_\_\_ ; \_\_\_\_\_ , 19 \_\_\_\_\_  
 (issue date)

- 4) Sections being Corrected:
- 5) Correction(s) being made:

NOTE: If the material being corrected is a new Part, the action statement shall state "RULES." If the material being corrected is an amendment (new Sections, amended Sections, repealed Sections) to an existing Part, the action shall state "AMENDMENTS." Since the publication of this Notice of Corrections nullifies the original first notice period, agencies are urged to withdraw their proposal and submit a new proposal rather than using this form.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION E Notice of Public Hearing on Proposed Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Register Citation to Notice of Proposed Rules:

\_\_\_\_\_ Ill. Reg. \_\_\_\_\_ ; \_\_\_\_\_ , 19 \_\_\_\_\_  
 (issue date)

- 4) Date, Time and Location of Public Hearing:
- 5) Other Pertinent Information:

NOTE: If an agency wishes to cancel a public hearing on proposed rules, it may do so by using this form. However, the action statement (NOTICE OF PUBLIC HEARING ON PROPOSED RULES) remains the same. Only one Part shall be listed per Notice. If the public hearing is on proposed amendments to an existing Part, the action shall state NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS; if the public hearing is on a proposed repealer of an existing Part (being repealed in its entirety), the action shall state NOTICE OF PUBLIC HEARING ON PROPOSED REPEALER.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

## Section 100.APPENDIX B Adopted Rules

## Section 100.ILLUSTRATION A Notice of Adopted Rules

For detailed information on this Notice, please refer to Section 100.530.

## ILLINOIS REGISTER

(AGENCY NAME)

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Section Numbers:                      Adopted Action:
- 4) Statutory Authority:
- 5) Effective Date of Rule(s)(Amendments, Repealer):
- 6) Does this rulemaking contain an automatic repeal date? \_\_Yes \_\_No  
    If so, please specify date: \_\_\_\_\_
- 7) Does this rule (amendment, repealer) contain incorporations by reference?
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposal Published in Illinois Register  
    \_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
    (issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? If answer is "yes," please complete the following:
  - A) Statement of Objection: \_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
    (issue date)

B) Agency Response \_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
 (issue date)

C) Date Agency Response Submitted for Approval to JCAR:

- 11) Difference(s) between proposal and final version:
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?
- 13) Will this rule (amendments, repealer) replace an emergency rule (amendment, repealer) currently in effect?
- 14) Are there any amendments pending on this Part?

Section Numbers	Proposed Action	Illinois Register Citation
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- 15) Summary and Purpose of Rule(s)(Amendments, Repealer):
- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name:  
 Address:  
 Telephone:

The full text of the Adopted Rule(s)(Amendments) begins on the next page:

NOTE: For the proper action statements, please refer to the note in Appendix A, Illustration A, substituting the word "ADOPTED" for "PROPOSED."

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION C Agency Certification

Certificate of (Adopted, Amended, Repealed, or Recodified) Part

The \_\_\_\_\_  
(name of Agency, Board, Commission or Department)

certifies that the attached hereto is a true and correct copy of:

Heading of Part:

Code Citation:

Sections Involved:

which was duly (adopted, amended, repealed, recodified) by this agency.

Statutory Authority:

Illinois Revised Statutes

\_\_\_\_\_ Chapter \_\_\_\_\_ Paragraph

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Title of Officer

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION D Format for Filing Adopted Rules

NOTE: All adopted rules submitted for filing must have the Code page header as shown above on each page. (See the definition of "Page Header" in Section 100.110.)

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules

ILLINOIS REGISTER

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(AGENCY NAME)

NOTICE OF AUTOMATIC REPEAL OF ADOPTED RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Section numbers:
- 4) Statutory Authority:
- 5) Effective Date of Automatic Repeal:
- 6) A statement that a copy of the text of this rulemaking that is automatically repealed, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 7) Notice of Adopted Rules Which Included the Automatic Repeal Date Published in the Illinois Register:

\_\_\_\_\_ ,19 \_\_\_\_ ; \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
 (issue date)

- 8) Summary and Purpose of Automatic Repeal of Rules:

The full text of the rulemaking being automatically repealed begins on the next page:

NOTE: In the action statement for this Notice, the words NOTICE OF AUTOMATIC REPEAL OF RULES shall be used if the material is a complete new Part and the words NOTICE OF AUTOMATIC REPEAL OF AMENDMENTS shall be used if the material is an amendment to a Part (new Sections).

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION G Request for Expedited Correction

ILLINOIS REGISTER

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AGENCY NAME

REQUEST FOR EXPEDITED CORRECTION

1) Heading of the Part:

2) Code Citation:

3) Section numbers:

4) Date Proposal published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

5) Date Adoption published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

6) Summary and Purpose of Expedited Correction:

7) Information and questions regarding this request shall be directed to:

Name:

Address:

Telephone:

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION H Refusal to Certify Expedited Correction

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ILLINOIS REGISTER

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

REFUSAL TO CERTIFY EXPEDITED CORRECTION

1) Heading of the Part:

2) Code Citation:

3) Section numbers:

4) Date Proposal published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

5) Date Adoption published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

6) Date Request for Expedited Correction to Adopted Rules published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

7) Reason for Refusal:

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION I Notice of Expedited Correction

ILLINOIS REGISTER

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AGENCY NAME

NOTICE OF EXPEDITED CORRECTION

1) Heading of the Part:

2) Code Citation:

3) Section numbers:

4) Date Proposal published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

5) Date Adoption published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

6) Date Request for Expedited Correction published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

7) Adoption Effective Date:

8) Correction Effective Date:

9) Reason for Approval of Expedited Correction:

\_\_\_\_\_  
Agency Director Date

The full text of the Corrected Rules begins on the following page.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)



Telephone:

The full text of the emergency rules (amendments, repealer) begins on the next page:

AGENCY NOTE: For the correct action statement, please refer to the note in Appendix A, Illustration A, substituting the word "EMERGENCY" for the word "PROPOSED."

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX C Emergency Rules

Section 100.ILLUSTRATION C Agency Certification of Emergency Rules

Certificate of Emergency Rules (Amendments or Repealer)

The \_\_\_\_\_  
(name of Agency, Board, Commission or Department)

certifies that the attached hereto is a true and correct copy of:

Heading of Part:

Code Citation:

Sections Involved:

which was duly (adopted amended repealed) by emergency action by this agency  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

The reason for the emergency is:

Statutory Authority:

Illinois Revised Statutes

\_\_\_\_\_ Chapter \_\_\_\_\_ Paragraph

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Title of Officer

(Source: Amended at 11 Ill. Reg. 724, effective May 1, 1987)

Section 100.APPENDIX C Emergency Rules

Section 100.ILLUSTRATION D Notice of Modification to Emergency Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Section numbers:
- 4) Notice of Emergency Rules (Amendments, Repealer) published in the Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

- 5) JCAR Statement of Objection to Emergency Rules (Amendments, Repealer) published in the Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

- 6) Date agency submitted this modification to JCAR for approval:

- 7) Summary of Action Taken by the Agency:

The full text of the Section(s) of the emergency rules (amendments, repealer) being modified begins on the next page:

AGENCY NOTE: If the emergency was a new Part, the action statement shall state "RULES." If the emergency was an amendment (new Sections, amended Sections, repealed Sections) to an existing Part, the action shall state "AMENDMENTS."

(Source: Amended at 11 Ill. Reg. 532, effective July 1, 1998)



- 13) Statement of Statewide Policy Objectives:
- 14) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name:

Address:

Telephone:

The full text of the Peremptory rules (amendments, repealer) begins on the next page:

AGENCY NOTE: For the correct action statement, please refer to the note in Appendix A, Illustration A, substituting the word "PEREMPTORY" for the word "PROPOSED."

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX D Peremptory Rules

Section 100.ILLUSTRATION C Agency Certification of Peremptory Rules

Certificate of Peremptory Rules (Amendments or Repealer)

The \_\_\_\_\_  
(name of Agency, Commission, Board or Department)

certifies that the attached hereto is a true and correct copy of:

Heading of Part:

Code Citation:

Sections Involved:

which was duly (adopted, amended or repealed) by peremptory action by this agency  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

The reason for the peremptory rulemaking is:

Statutory Authority:

Illinois Revised Statutes

\_\_\_\_\_ Chapter \_\_\_\_\_ Paragraph

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Title of Officer

(Source: Amended at 11 Ill. Reg. 724, effective May 1, 1987)

## Section 100.APPENDIX D Peremptory Rules

## Section 100.ILLUSTRATION D Notice of Automatic Repeal of Peremptory Rules

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ILLINOIS REGISTER

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(AGENCY NAME)

## NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY RULES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Section Numbers:
- 4) The Specific State or Federal Court Order, Federal Rule or Statute Which Required this Automatic Repeal of Rules:
- 5) Effective Date of Automatic Repeal:
- 6) A statement that a copy of the text of the rule that is automatically repealed, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 7) Notice of Peremptory Rulemaking Which Included the Automatic Repeal Date Published in the Illinois Register:  
  
\_\_\_\_\_ ,19 \_\_\_\_\_ ; \_\_\_\_\_ Ill. Reg. \_\_\_\_\_
- 8) Summary and Purpose of Automatic Repeal of Peremptory Rules:

The full text of the peremptory rules (amendments, repealer) being automatically repealed begins on the next page:

NOTE: In the action statement for this Notice, the words NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY RULES shall be used if the material is a complete new Part and the words NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY AMENDMENTS shall be used if the material is an amendment to a Part (new Sections).

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION A Notice of Recodification

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ILLINOIS REGISTER

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(AGENCY NAME)

NOTICE OF RECODIFICATION

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Date of Index Department Review:
- 4) Headings and Section Numbers of the Part Being Recodified:  
Section Numbers                      Headings
- 5) Outline of the Section Numbers and Headings of the Part as Recodified:  
Section Numbers                      Headings
- 6) Conversion Table of Present and Recodified Parts:  

Present Part	Recodified Part
(Section Numbers)	(Section Numbers)

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION B Notice of Corrections to Notice Only

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ILLINOIS REGISTER

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(AGENCY NAME)

NOTICE OF RECODIFICATION

- 1) Heading of the Part:
- 2) Code Citation:
- 3) The Notice of Proposed (Adopted, Emergency, Peremptory) Rules (Amendments, Repealer) being corrected appeared at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, dated \_\_\_\_\_, 19\_\_.
- 4) The information being corrected is as follows:

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION C Certificate of Review and Approval

Certificate of Review and Approval

HEADING AND CODE CITATION

The Index Department certifies that rule of the

(Name of Agency, Board, Commission or Department)

has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Statutory Authority:

Illinois Compiled Statutes \_\_\_\_\_ ILCS \_\_\_\_\_

Signature of Officer

Title of Officer

AGENCY NOTE: The issuance of this certificate indicates that the rule meets the requirements of codification, filing, and publication only.

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

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION D Notice of Codification Changes

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ILLINOIS REGISTER

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NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Effective Date of Rules (Amendments, Repealer):
- 4) Date Adopted (Emergency, Peremptory) Rule Appeared in the Illinois Register:
- 5) Pursuant to Section 5-80 of the Illinois Administrative Procedure Act [5 ILCS 100/5-80], and the Index Department has made the following changes in the codification of the above named rule:

The above changes have been made to the rule which is on file in the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION E Format for Statements of Objections or Recommendations  
Issued by the Joint Committee on Administrative Rules

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ILLINOIS REGISTER

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENT OF OBJECTIONS

NAME OF AGENCY UPON WHOSE RULES THE OBJECTIONS ARE BEING ISSUED

Part Heading:

Code Citation:

Section Numbers:                      Proposed Action:

Date proposed rules (amendments, repealer) published in the Illinois Register:

\_\_\_\_\_, \_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

Specific Objections:

NOTE: When objections are issued on emergency rules, the action statement shall state: STATEMENT OF OBJECTIONS TO EMERGENCY RULES (AMENDMENTS, REPEALER). When objections are issued on preemptory rules, the action shall state: STATEMENT OF OBJECTION TO PEREMPTORY RULES (AMENDMENTS, REPEALER). When objections are issued on existing rules, the action shall state: STATEMENT OF OBJECTIONS TO EXISTING RULES. When recommendations, rather than objections, are being issued, the word OBJECTION in the action statement shall be changed to RECOMMENDATION.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION F Regulatory Agenda

The following format is to be used for submitting a regulatory agenda for publication in the Illinois Register:

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ILLINOIS REGISTER

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(AGENCY NAME)

(JANUARY OR JULY) 19\_\_ REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation):
  - 1) Rulemaking:
    - A) Description:
    - B) Statutory Authority:
    - C) Scheduled meeting/hearing dates:
    - D) Date agency anticipates First Notice:
    - E) Affect on small businesses, small municipalities or not for profit corporations:
    - F) Agency contact person for information:
      - Name:
      - Address:
      - Telephone:
    - G) Related rulemakings and other pertinent information:

NOTE: Only one Regulatory Agenda heading is required for each agency's planned rulemaking activity. Each Part that will be affected is to be labeled (a), (b), (c), etc. Under each rulemaking, list items (A) through (G). Repeat this format as many times as necessary. However, if a single issue requires rulemakings to more than one Part (for example, a Part listing definitions, a Part affecting Chicago and a Part affecting downstate), indicate all the affected Parts in (a) above and describe the issue as a whole in (A) through (G).

(Source: Amended at 19 Ill. Reg. 7626, effective June 1, 1995)

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION G Regulatory Flexibility Notice

ILLINOIS REGISTER

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES HAT MAY IMPACT SMALL BUSINESS

Name of Agency:

Heading of the Part:

Code Citation:

Sections Involved:

Notice of Proposal Published in Illinois Register:

\_\_\_\_\_ , \_\_\_\_\_ Ill. Reg. \_\_\_\_\_

Statutory Authority:

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name:

Address:

Telephone:

Other pertinent information regarding these rules:

(Source: Added at 17 Ill. Reg. 10414, effective July 1, 1994)

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION H Notice of Publication Error

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ILLINOIS REGISTER

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(AGENCY NAME)

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Register citation of proposed or adopted rulemaking and other pertinent action:
- 4) Explanation:

(Source: Added at 22 Ill. Reg. 11532, effective July 1, 1998)