**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)