**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)