

# THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 49

ISSUE 5

January 31, 2025

The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

## Proposed Rulemakings

### • LOAN GUARANTEES

The OFFICE OF THE STATE TREASURER proposed a new Part titled Community Development Loan Guarantee Program (74 IAC 715; 49 Ill Reg 1257) implementing provisions of the Community Development Loan Guarantee Act [15 ILCS 516] to guarantee loans for small businesses that would not otherwise qualify for business loans and are located in low-income communities that have been historically excluded from investment opportunities. Up to \$10 million in State Treasury investment earnings may be allocated to the program annually, but no more than \$50 million may be used at any given time to guarantee loans. For the purposes of this Part, a small business is a business (other than those involved in investment real estate, tobacco, adult entertainment, or gambling) operating in Illinois with fewer than 500 employees at the time of application; qualifying small

businesses must be located in a low-income community as determined by poverty rates or median income. The Treasurer will establish loan guarantee accounts at designated program depositories, which must be State- or federally-chartered banks authorized to conduct business in Illinois. Participating financial institutions that approve and manage

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loans to eligible businesses must submit a \$1,000 application fee to the Treasurer, must have a rating of "outstanding" or "satisfactory" under the Illinois Community Reinvestment Act (CRA), or be credit unions that do not yet have a CRA rating, and meet other criteria for financial soundness. Once approved, each participating financial institution will be allocated up to \$1 million in loan guarantees, based on the availability of funds, and must allocate all their loan guarantees

within 1 year. Loans to qualifying businesses may be guaranteed for up to 25% of the loan amount for a maximum of 5 years, and may not be used to refinance existing debt. Participating financial institutions must submit annual reports to the Treasurer concerning their guaranteed loans. Other provisions establish information to be provided by business loan applicants, participating financial institutions, and program depositories. Small businesses, community banks and credit unions in low-income communities are affected.

*Questions/requests for copies/comments through 3/17/25: Sara Meek, Office of the State Treasurer, 219 State House, Springfield IL 62706, 217-836-0030, fax 217-782-2777, e-mail: [SMeek@illinoistreasurer.gov](mailto:SMeek@illinoistreasurer.gov)*

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.

**PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.

**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

▪ - Designates rules of special interest to small businesses, small municipalities and/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

**QUESTIONS/COMMENTS:** Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

**RULE TEXT:** First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

# Proposed Rulemakings

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## ▪ GENETIC COUNSELING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Genetic Counselor Licensing Act (68 IAC 1251; 49 Ill Reg 1227) aligning the Part with PA 103-763 (a sunset renewal of the Act, with amendments, that expires on 1/1/30). The rulemaking allows genetic counselors from outside Illinois to practice in Illinois for up to 30 days per year if they are certified by either the American Board of Genetic Counseling (ABGC) or American Board of Medical Genetics and Genomics (ABMGG) and are licensed in their home state if that state licenses genetic counselors. An out-of-state genetic counselor must obtain Illinois licensure if the counselor intends to practice in Illinois for more than 30 days per year. Temporary 24-month licenses that allow supervised practice while the licensee is awaiting an opportunity to take the national certification exam will expire when the license holder receives a full license or has failed the certification exam twice (currently, once). After the first exam failure, a temporary license holder may practice only under the supervision of a licensed genetic counselor with at least 5 years' experience or a physician with at least 5 years' experience in genetic counseling, and must take the next available certification exam. Failure to take the next available exam invalidates the temporary license. Other provisions require proof of

current ABGC or ABMGG certification for license renewal and for licensure by endorsement; institute a procedure for restoring a license from disciplinary status; define unprofessional conduct and incorporate the National Society of Genetic Counselors' code of ethics; and include sexual harassment prevention and implicit bias awareness training (which DFPR requires for all healthcare related licensees) in the required continuing education for license renewal or restoration. Genetic counselors and their employers are affected.

*Questions/requests for copies/comments through 3/17/25: Craig Cellini, DFPR, 320 W. Washington St., 2<sup>nd</sup> Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, [Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)*

## RULEMAKING PROCESS

The SECRETARY OF STATE proposed amendments to the Part titled Rulemaking in Illinois (1 IAC 100; 49 Ill Reg 1241) that reflect the requirements of the Illinois Administrative Procedure Act regarding small business impact analyses for rules proposed by State agencies. Proposed rulemakings filed with SOS for First Notice must indicate whether the rulemaking will impact small businesses, defined as businesses with fewer than 50 full time employees or less than \$4 million in gross annual sales. If small businesses are or could be affected, the analysis must: identify what types of businesses are affected using 2-digit codes from the North American Industry Classification System; estimate how many small businesses

will be affected; list the categories of business activity that the rule will affect (e.g., hiring and staffing, purchasing, licensing fees, training); indicate the projected costs for compliance and necessary professional skills required for compliance; state any positive or negative economic effects from the proposed rulemaking; describe any less costly or intrusive method that would achieve the same purpose as the rulemaking; and include any other information that might be helpful to the public regarding the impact of the rulemaking. The form that agencies use to file the small business impact analysis is also updated.

*Questions/requests for copies/comments through 3/17/25: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## DOR RULE WITHDRAWAL

The DEPARTMENT OF REVENUE has withdrawn a proposed new Part titled Illinois Gives Tax Credit Act (86 IAC 1050; 48 Ill Reg 18127) that was published in the 12/27/24 *Illinois Register*. DOR is withdrawing this proposed rule because it did not contain revised provisions that had been proposed by stakeholders, and a new version will be proposed at a later date. The new Part was intended to implement the Illinois Gives Tax Credit Act, which provides income tax credits to entities that make qualified contributions to qualified community foundations. (An emergency rule identical to the withdrawn Part remains in effect through 5/10/25 or until a permanent rule is adopted.)

# Adopted Rules

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## • INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; proposed at 48 Ill Reg 13299) effective 1/15/25 at 49 Ill Reg 1295, reflecting PAs 103-592 and 103-595. This rulemaking extends the sunset date for the Research and Development Credit to 1/1/32 (previously, 1/1/27) and for the Student Assistance Contributions Credit to 12/31/29 (previously 12/31/24). This rulemaking also limits the Illinois net loss to \$500,000 in tax years ending on or after 12/31/24 and prior to 12/31/27. Businesses that are eligible to claim these credits will be affected.

*Questions/requests for copies: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, [REV.GCO@illinois.gov](mailto:REV.GCO@illinois.gov)*

## SOS PROCEEDINGS

The SECRETARY OF STATE adopted amendments to Procedures and Standards (92 IAC 1001; proposed at 48 Ill Reg 12946) effective 1/15/25 at 49 Ill Reg 1323, that allow public comments at the quarterly meetings of the Motor Vehicle Review Board (MVRB). Commenters must identify themselves by name and by the agenda item they wish to address, and will be allowed up to 3 minutes to address the Board. Additional 5-minute increments of time to speak may be granted to the commenter at the Board's discretion. Comment periods will be limited to 15 minutes unless extended by Board motion, and will be immediately closed if there are no commenters. A change since 1<sup>st</sup> Notice clarifies that additional time for public comment will be granted for a new item that is added to the meeting agenda during the meeting.

*Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## DOI PUBLIC INFORMATION

The DEPARTMENT OF INSURANCE adopted amendments to Improper Claims Practice (50 IAC 919; 49 Ill Reg 1273), Administrative Hearing Procedures (50 IAC 2402; 49 Ill Reg 1283), and Health Maintenance Organization (50 IAC 4521; 49 Ill Reg 1287), all effective 1/17/25, updating DOI's Chicago office address to 115 S. LaSalle St., 13<sup>th</sup> Floor, Chicago IL 60603. These rulemakings were adopted under Sec. 5-15 of the Illinois Administrative Procedure Act and did not require First Notice publication.

*Questions/requests for copies of the 3 DOI rulemakings: Kathryn Williams, DOI, 115 S. LaSalle St., 13<sup>th</sup> Floor, Chicago IL 60603, 312-814-8212, [Kathryn.A.Williams@illinois.gov](mailto:Kathryn.A.Williams@illinois.gov)*

# Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the March 4, 2025 meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at [jcar@ilga.gov](mailto:jcar@ilga.gov).

## DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Consumer Installment Loan Act (38 IAC 110; 48 Ill Reg 14414) proposed 10/11/24

Sales Finance Agency Act (38 IAC 160; 48 Ill Reg 14426) proposed 10/11/24

## DEPT OF PUBLIC HEALTH

Control of Sexually Transmissible Infections Code (77 IAC 693; 48 Ill Reg 13555) proposed 9/13/24

## DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 48 Ill Reg 17483) proposed 12/6/24

**Next JCAR Meeting: Tuesday, Feb. 4, 10:30 a.m.**

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield

Meeting will be live streamed on the JCAR website

**Joint Committee on Administrative Rules**

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sue Rezin

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

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