

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 49

ISSUE 14

April 4, 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

▪ VOTER REGISTRATION

The STATE BOARD OF ELECTIONS proposed a new Part titled Automatic Voter Registration (26 IAC 300; 49 Ill Reg 3834) establishing an automatic voter registration program required by the Election Code. The program allows designated voter registration agencies as defined in the Election Code to transmit voter registration information to election authorities (county clerks or election commissioners). A designated agency is an agency that provides licenses, permits or services to individuals and routinely provides these individuals with applications/renewals, change of address forms, or recertifications. Designated agencies must have interagency agreements with SBEL and initiate joint rules for their automatic voter registration programs within 90 days after executing an agreement. The Part establishes the information that SBEL and local election authorities will accept and

use to verify voter registrations; this includes driver's license or state ID cards with signatures, license or ID numbers, and the last four digits of Social Security numbers. A designated agency may offer opt-in registration (the individual affirms intent to register to vote or update their registration), opt-out registration (the agency automatically transmits voter

**Adopted Rules, Page 3
No Second Notices This Week**

registration information unless the individual declines), or website transfer (the individual is given the opportunity to transmit a web-based voter registration application pre-filled with information provided to the agency). An agency that collects or cross references reliable personal information regarding citizenship (birth certificates, passports, naturalization certificates) can offer all three forms of registration, but an agency that does not collect or cross-

reference this information cannot use opt-out registration. SBEL will not accept or store information from birth certificates, passports or other citizenship documents. SBEL will continue to transmit to election authorities all valid voter registrations received from designated voter registration agencies after the close of a registration period. If an electronic voter registration application lacks a signature, election authorities cannot reject it on that basis but shall place it in "pending status" and send the voter a written application requesting a signature and confirmation of the license/ID and SSN information received by the election authority. Individuals with applications in pending status shall not be permitted to vote until they provide signature confirmation, but the election authority shall not remove individuals in pending status from their registration rolls. Any voter registra-

(cont. page 2)

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

(cont. from page 1)

tion application that is dated before the 16th day prior to an election will be deemed timely received. Local election authorities are affected by this rulemaking.

Questions/requests for copies/comments through 5/19/25: H. Poyer, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217-782-4141, GeneralCounsel@elections.il.gov

▪ HOTEL TAX

The DEPARTMENT OF REVENUE proposed an amendment to the Part titled Hotel Operators' Occupation Tax Act (86 IAC 480; 49 Ill Reg 3844) reflecting changes made to the Act by Public Act 103-0592. The rulemaking provides that effective 7/1/24, when hotel rooms are booked and then re-rented by another party that collects rental fees for these rooms, that party is responsible for paying the hotel operators' tax due on the rent it has collected. An out-of-State re-renting entity with no presence in Illinois other than its re-renting business becomes liable for hotel operators' tax if its cumulative gross receipts from Illinois rentals total \$100,000 or more, or if it makes 200 or more transactions for Illinois rentals, in a 12-month period. Other provisions give examples of hotel tax and hotel tax credit provisions for hosting platforms through which short-term rentals of homes, apartments, condominiums, etc. are made; clarify tax exemption for foreign diplomatic personnel; and state that if a hotel guest overpays a charge meant to cover the hotel operator's tax, the guest has a right to claim a refund and the overpaid amount must be paid to DOR if not refunded. Hotel operators and others

who provide or manage short-term rentals are affected.

ELECTRONIC SIGNATURES

DOR also proposed an amendment to Electronic Filing of Returns or Other Documents (86 IAC 760; 49 Ill Reg 3872) establishing electronic signature methods DOR may require taxpayers to use on returns, forms, and other documents for which DOR requires electronic filing. The rulemaking also identifies the types of electronic signatures DOR will accept when electronic filing is optional and explains the procedure taxpayers must follow when using an electronic signature that is not permitted by rule and not approved by the Department.

Questions/requests for copies/comments on the 2 DOR rulemakings through 5/19/25: Thomas Grudichak, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-524-4821, REV.GCO@illinois.gov

▪ FOOD PRODUCTION

The DEPARTMENT OF AGRICULTURE proposed a new Part titled Local Food Infrastructure Grant (8 IAC 340; 49 Ill Reg 3814) that implements the Local Food Infrastructure Grant Act. The Act and this Part create a grant program to support local food processing, aggregation and distribution. The program is subject to appropriation and operated by either DOA or a contracted non-profit, tax-exempt organization that represents farmers. Grant-eligible entities must be located in Illinois, be registered and pre-qualified at the GATA Grantee Portal, and be farms, cooperatives, slaughter/processing facilities, food businesses, or food hubs with fewer than 50 employees; non-profit organizations; or units of local government. Groups, partnerships, or collaborations among these entities may also apply for grants but must

identify a lead agency that will receive grant funds and handle grant reporting requirements. Individual entity projects may receive grants of \$1,000 to \$75,000, while collaborative projects may receive grants of up to \$250,000; a 25% match is required, except for "high need" projects involving underserved farmers or communities or that fill a gap in critical infrastructure that would likely not be filled without grant funding. Allowable costs that may be covered by grant funding include infrastructure construction or purchases, rentals, or leases of equipment used in the production of value-added agricultural products. These include: sanitizing, milling, pressing, grading, packaging, labeling or sorting equipment; coolers, freezers or refrigerated trucks; equipment for processing honey, syrup, milk, meat, poultry, fish and shrimp; aquaponic or hydroponic equipment; custom exempt mobile slaughter units; food hub development or expansion; and equipment for cooking school meals from scratch (e.g., ovens, warming equipment, serving tables). An entity or collaboration that receives a grant cannot apply for another grant for the same project in the next grant cycle. Priority will be given to high need projects, applications from small or very small farms and food businesses, and applications from historically underserved farmers, ranchers or food business owners. Those affected by this rulemaking include small businesses in the food or agriculture industries, small municipalities, and non-profit organizations involved in food production or distribution.

Questions/requests for copies/comments through 5/19/25: DOA, Attn: Legal Dept., State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217-524-6905, fax 217-785-4505, AGR.LFIG@illinois.gov

Adopted Rules

▪ MEDICAL DEBT RELIEF

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Assistance Programs (89 IAC 120; proposed at 48 Ill Reg 17194) effective 3/20/25 at 49 Ill Reg 4009, implementing Public Act 103-647. The PA and this rulemaking implement a 5-year Medical Debt Relief Pilot Program, effective through 6/30/29, under which eligible Illinois residents with household incomes at or below 400% of the Federal Poverty Level and medical debt totaling 5% or more of their household income may have their medical debts purchased, negotiated and discharged with grant funding from a special fund in the State Treasury. (Eligible residents do not file applications or take any action under this program.) HFS will appoint a Nonprofit Medical Debt Relief Coordinator who shall identify residents eligible for the program; review medical debt accounts from commercial debt collection agencies or health care providers who are willing to sell and settle medical debt accounts of eligible residents; conduct outreach to hospitals (beginning with safety-net hospitals) and other providers to inform them of the program; acquire and negotiate medical debt accounts of eligible residents; and inform residents whose debt has been acquired and paid by the Debt Relief Coordinator that these debts have been discharged. To the extent possible, the Debt Relief Coordinator will prioritize medical debts from hospitals that serve a high number or percentage of Medicaid customers or are located in disproportionately impacted areas. HFS shall also provide an annual report to the General Assembly of the number of residents who receive medical debt relief, the amount of medical debt discharged, demographic characteristics of eligible

residents (subject to HIPAA and other medical privacy laws) and the characteristics of the healthcare providers from whom medical debt was purchased and discharged. Health care providers and debt collection agencies may be affected by this rulemaking.

▪ MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 48 Ill Reg 17432 and 18101) effective 3/20/25 at 49 Ill Reg 4026, combining two separately proposed rulemakings. The rulemaking implements Public Acts 103-102 and 102-364 by requiring mandatory safety training for non-emergency medi-car and service car drivers and attendants (required every 3 years) to be administered by the transportation provider when the provider is licensed by the Department of Public Health and HFS has approved the in-house program. The rulemaking also changes the rates for ground and air, including helicopter, ambulances to 100% of the rate specified in the current HFS Fee Schedule (previously, 100% of the rate established on 6/30/12) and adds transportation company networks to the list of medical transportation providers that may receive Medicaid reimbursement. Providers of ambulance, medi-car, and other medical transportation systems are affected by these amendments. Other amendments implement a provision of the FY23 Medicaid Omnibus (PA 102-1037) and a Medicaid State Plan Amendment that authorized coverage of certain acupuncture services effective 4/1/23. The rulemaking removes acupuncture from the list of services not covered in Section 140.6 and adds a new Section establishing criteria for covering acupuncture. Services must be provided by an

acupuncturist licensed by the Department of Financial and Professional Regulation and are limited to procedures addressing chronic lower back pain or breech baby presentation during pregnancy.

Questions/requests for copies of the 2 HFS rulemakings: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

DRIVERS' LICENSES

The SECRETARY OF STATE adopted an amendment to Issuance of Licenses (92 IAC 1030; proposed at 48 Ill Reg 14087) effective 3/20/25 at 49 Ill Reg 4103, implementing Public Act 103-933. The PA and this rulemaking authorize SOS to place a Gold Star Family designation on the driver's licenses or ID cards of qualifying individuals who request the designation. A surviving widow/widower, parent, child (biological or adopted), stepchild, brother, sister, half-brother or half-sister of a person killed or fatally wounded while serving in the U.S. Armed Forces in peacetime or war may request this designation. The request form must include the deceased service member's name, date of birth, date of death, and branch of service. The applicant must sign the form under penalty of perjury stating that they are eligible for the Gold Star designation. No fee will be charged for this designation, but other fees such as the regular license/ID renewal fee will apply.

▪ VEHICLE TRANSPORTERS

SOS also adopted amendments to the Part titled Dealers, Wreckers, Transporters and Rebuilders (92 IAC

(cont. page 4)

Adopted Rules

(cont. from page 3)

1020; proposed at 48 Ill Reg 14013) effective 3/20/25 at 49 Ill Reg 4090, aligning rules for vehicle transporters with those of other vehicle-related businesses under the Illinois Vehicle Code. The rulemaking includes limitations on the issuance, use, and display of in-transit plates; requires transporters to have an established place of business; and implements record keeping and inspection requirements. Businesses that transport vehicles or use the services of transporters are affected.

▪ INVESTMENT ADVISORS

SOS adopted amendments to the Part titled Regulations Under Illinois Securities Law of 1953 (14 IAC 130; proposed at 48 Ill Reg 15409) effective 3/19/25 at 49 Ill Reg 4061, aligning various provisions with federal regulations. This rulemaking extends continuing education (CE) requirements to all Illinois-licensed investment adviser representatives (IARs) that do not already have CE requirements for licensure as salespersons in Illinois or for licensure as IARs in other states. An IAR who has been inactive for up to 5 years (previously, up to 2 years) and wishes to re-enter the investment industry will not be required to retake securities examinations provided the IAR has kept current with CE requirements. Other provisions remove obsolete references and designations. Licensed securities investment advisors and salespersons and their employers are affected by this rulemaking.

Questions/requests for copies of the 3 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

▪ MANDATED REPORTER TRAINING

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Licensing Standards for Child Welfare Agencies (89 IAC 401; proposed at 48 Ill Reg 16656, adopted at 49 Ill Reg 3880), Licensing Standards for Group Homes (89 IAC 403; proposed at 48 Ill Reg 16666, adopted at 49 Ill Reg 3889), Licensing Standards for Child Care Institutions and Maternity Centers (89 IAC 404; proposed at 48 Ill Reg 16671, adopted at 49 Ill Reg 3893), Licensing Standards for Youth Transitional Housing Programs (89 IAC 409; proposed at 48 Ill Reg 16702, adopted at 49 Ill Reg 3898), and Licensing Standards for Youth Emergency Shelters (89 IAC 410; proposed at 48 Ill Reg 16709, adopted at 49 Ill Reg 3904), all effective 3/18/25, implementing Public Acts 101-564 and 102-604. These Public Acts and rulemakings implement amendments to the Abused and Neglected Child Reporting Act (ANCRA) that require training for mandated reporters of child abuse and neglect to include a section on implicit bias. (ANCRA requires implicit bias training to address "attitudes or internalized stereotypes that affect people's perceptions, actions, and decisions in an unconscious manner and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics".) These rulemakings require implicit bias training to be completed within 3 months after an individual's initial licensure and every 3 years thereafter, and proof of completion to be kept in the individual's personnel record. Those affected by these rulemakings include day care providers, child welfare agency caseworkers, group home staff, and staff of DCFS-licensed youth programs and facilities.

Questions/requests for copies of the 5 DCFS rulemakings: Tamara Bristow, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

▪ CONSUMER LOANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Parts titled Consumer Installment Loan Act (38 IAC 110; proposed at 48 Ill Reg 14414) and Sales Finance Agency Act (38 IAC 160; proposed at 48 Ill Reg 14426), both effective 3/21/25 at 49 Ill Reg 3924 and 3936, that require licensees to submit a year-end balance sheet, prepared according to generally accepted accounting principles, during the annual renewal process in order to document that the licensee has maintained a positive net worth of at least \$30,000 as required under both Acts. Licensees must also provide balance sheets when the Secretary of DFPR has good cause to believe the licensee may not have maintained the required positive net worth. If a loan is paid off early for any reason, the borrower must receive a refund of any unearned insurance, debt cancellation, or other charges. The Part 110 amendments also clarify that a licensee may not require a borrower to purchase more than one type of property damage insurance when property is used as security for a loan, nor can the licensee require the borrower to purchase any insurance that the borrower cannot reasonably obtain from a source not connected to or recommended by the licensee. Those affected by these rulemakings include consumer installment lenders (e.g., payday or short-term lenders) and sales finance agencies that provide financing toward purchases of vehicles, appliances or other consumer goods.

(cont. page 5)

Adopted Rules

(cont. from page 4)

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

DEPT OF CORRECTIONS MAIL

The DEPARTMENT OF CORRECTIONS adopted an amendment to the Part titled Rights and Privileges (20 IAC 525; proposed at 48 Ill Reg 14067) effective 3/19/25 at 49 Ill Reg 3910, allowing appeals of decisions by corrections facility officials to prohibit a committed person from receiving certain items or portions of incoming mail. The sender must be notified of the proposed decision, the reasons for this decision, and of their right to appeal. Sender appeals must be submitted within 21 days after receiving notification. The Chief Administrative Officer of the facility or their designee must make a final decision and notify the sender of the decision within 60 days after receiving an appeal from a sender. Committed persons who wish to appeal a decision to withhold mail may use the grievance procedures outlined in 20 IAC 504.

Questions/requests for copies: Glen Austin, DOC, 1301 Concordia Court, P. O. Box 19277, Springfield IL 62794-9277, 217-786-6904, DOC.ProposedRulemaking@illinois.gov

GRANT RULES

The GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET adopted amendments to the Part titled Grant Accountability and Transparency Act (44 IAC 7000; proposed at 48 Ill Reg 17868) effective 3/20/25 at 49 Ill Reg 3947, aligning the GATA administrative rules with recent changes to federal regulations applicable to federally funded grants (Uniform Administrative Requirements, 2 CFR 200). These changes include setting the threshold cost below which computer devices are counted as temporary supplies rather than as long-term equipment at the lesser of \$10,000 (previously, \$5,000) or the capitalization level established by the awardee for financial statement purposes. The definition of modified total direct cost (MTDC) is updated to include the first \$50,000 (previously \$25,000) of each subaward, and the threshold federal funds expenditure levels for various audit requirements are increased. The optional "de minimis" indirect cost rate for State grants is increased from 10% to 15% of MTDC. Additionally, a new or modified grant may be made

to an entity on the Illinois Stop Payment List (formerly, rule prohibited this in all cases) in extenuating circumstances, such as a court order or consent decree, or if the grant modification would enable the entity to become compliant. Businesses and non-profit entities seeking State grants may be affected.

Questions/requests for copies: Davina Hughes, GOMB (GATA Unit), 401 S. Spring St., 603 Stratton Building, Springfield IL 62706, 217-782-2625, OMB.GATA@Illinois.Gov

▪ WATER TESTING

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted an amendment to Accreditation of Environmental Laboratories (35 IAC 186; proposed at 48 Ill Reg 15011) effective 3/24/25 at 49 Ill Reg 3916, that updates an incorporation by reference of federal Clean Water Act rules for effluent analysis that were effective 4/16/24. Environmental laboratories that perform water testing may be affected.

Questions/requests for copies: Rebecca Strauss (rebecca.strauss@illinois.gov) or Kaitlyn Hutchison (kaitlyn.hutchison@illinois.gov), IEPA, 1021 N. Grand Ave. East, P. O. Box 19276, Springfield IL 62794-9276, 217-782-5544.

Next JCAR Meeting: Tuesday, April 8, 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 Sally Turner

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

700 Stratton Office Building, Springfield IL 62706

217-785-2254 ■ jcar@ilga.gov