

# THE FLINN REPORT

## ILLINOIS GENERAL ASSEMBLY JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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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

### • GAMING ESTABLISHMENTS

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 49 Ill Reg 10965), Sports Wagering (11 IAC 1900; 49 Ill Reg 10978) and Riverboat and Casino Gambling (86 IAC 3000; 49 Ill Reg 10988) reflecting a change in statute regarding which gaming establishment positions are considered to be related to "gaming by patrons" as defined in the Illinois Gambling Act. Amendments to Part 1800 clarify that all video gaming license applicants, owners, and persons of significant influence or control are considered to be performing gaming-related functions under the Gambling Act and the Board may issue or deny licenses to such persons under the criteria listed in the Act. The Part 1900 rulemaking establishes that individuals required to hold a Level 1 or Level 2 occupational license for sports wagering facilities are considered to

be performing gaming-related functions under the Gambling Act. The Part 3000 amendments replace Level 3 licenses for gaming establishment employees whose duties are not gaming related with a non-gaming-employee ID badge issued by IGB. This rulemaking also reclassifies the following positions from a Level 3 to a Level 2 license: dealers, slot

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attendants, chip runners, cage and count room staff, gaming equipment maintenance, security, surveillance, compliance/auditors, any employee who supervises a Level 2 licensed subordinate, and any employee who works at the physical casino location and whose duties require access to personal identifying information. Finally, the IGB Administrator is authorized to issue temporary identification badges to applicants for occupational licenses, allowing them

to perform duties that otherwise require an occupational license. Establishments that hold video gaming, sports wagering, or casino licenses are affected by these rulemakings.

*Questions/requests for copies/comments on the 3 IGB rulemakings through 10/20/25: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, 312-814-4700, fax 312-814-7253, [IGB.RuleComments@Illinois.gov](mailto:IGB.RuleComments@Illinois.gov)*

### ICF/DD FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 49 Ill Reg 11035) implementing provisions of the Mental Health and Developmental Disabilities Code [405 ILCS 5/4-211]

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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.ilso.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)

that require facilities to provide access to sex education, related resources, and treatment planning that supports the residents' right to sexual health, healthy sexual practices (defined in statute as "a state of physical, emotional, mental and social well-being in relation to sexuality") and freedom from sexual exploitation and abuse. Individuals receiving habilitation from an ICF/DD facility shall be assessed by their treatment team (consisting of the individual, the individual's guardian if one has been appointed, and professionals with knowledge of the individual) to determine whether they have the capacity to consent to sexual activity and the sex education resources and materials that would be developmentally appropriate for them. The guardian's decision-making authority shall be made in accordance with the court order of appointment and the standards established in the Probate Act of 1975.

*Questions/requests for copies/comments through 10/20/25: Tracey Trigillo, DPH, 524 S. Second St. 6<sup>th</sup> Floor, Springfield IL 62701, 217-782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## ELECTRIC UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed amendments to the Part titled Uniform System of Accounts for Electric Utilities (83 IAC 415; 49 Ill Reg 10958) updating its incorporated version of Federal Energy Regulatory Commission (FERC) utility accounting rules to the 2025 (currently 2013) version. This rulemaking modifies some of the federal rules to conform to Illinois

policy, practice, and law and codifies the accounting treatment of environmental credits.

*Questions/requests for copies/comments through 10/20/25: Stephanie Cook, ICC, 527 E. Capitol Ave., Springfield IL 6270 217-782-7434, [Stephanie.Cook@illinois.gov](mailto:Stephanie.Cook@illinois.gov)*

## INSURANCE

The DEPARTMENT OF INSURANCE proposed an amendment to the Part titled Internal Security Standard and Fidelity Bonds (50 IAC 904; 49 Ill Reg 11005) that allows insurance companies the option of signing their checks using a company name, rather than the name of a corporate officer or employee. DOI also proposed amendments to Pre-Licensing and Continuing Education (50 IAC 3119; 49 Ill Reg 11009) that reflect the Department's participation in the National Association of Insurance Commissioners (NAIC) Continuing Education Reciprocity (CER) Agreement with other states. The rulemaking adds explicit references to the NAIC CER Agreement and removes existing provisions that duplicate or conflict with the Agreement.

*Questions/requests for copies/comments on the 2 DOI rulemakings through 10/20/25: Part 904, R. John Street (312-814-8220, [john.street@illinois.gov](mailto:john.street@illinois.gov)); Part 3119, Kathryn Williams (312-843-0050, [kathryn.a.williams@illinois.gov](mailto:kathryn.a.williams@illinois.gov)), both DOI, 115 S. LaSalle St., 13<sup>th</sup> Floor, Chicago IL 60603. Both rulemakings: Susan Anders, DOI, 320 W. Washington St., 4<sup>th</sup> Floor, Springfield IL 62767, 217-558-0957, [sue.anders@illinois.gov](mailto:sue.anders@illinois.gov)*

## STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to

The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 49 Ill Reg 11050) clarifying and updating various provisions. The rulemaking clarifies that conversion of temporary disability benefits to either nonoccupational or occupational disability benefits shall apply both retroactively and prospectively and that 5-year disability benefit eligibility limitations shall not be disrupted by a suspension of benefit claim. With regard to Qualified Illinois Domestic Relations Orders (QILDROs) this rulemaking provides that a QILDRO calculation order is not required when a QILDRO directs 100% of the member's gross payment, or a percentage of a gross death benefit payment, to the alternate payee. Other provisions outline the process which Tier 2 members who qualify for the alternate annuity formula (persons in certain investigative and law enforcement positions with at least 20 years of creditable service) must complete prior to receiving their pension; limit SERS' obligation to transcribe appeals' hearings; invalidate a member's COLA buyout election when the member cannot prove that they have a retirement account that is statutorily qualified to accept the rolled over funds; provides that a member cannot purchase optional service if they owe a debt to the System; and clarifies that the 25% compensation limitation applied to the final 12 months of a Tier 2 member's Final Average Compensation shall not exceed the member's average compensation over their final 48 months of service.

*Questions/requests for copies/comments through 10/20/25: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217-524-8105, fax 217-557-3943, [jeff.houch@srs.illinois.gov](mailto:jeff.houch@srs.illinois.gov)*

# Adopted Rules

## VOTER REGISTRATION

The STATE BOARD OF ELECTIONS and the DEPARTMENT OF EMPLOYMENT SECURITY adopted Joint Rules of the State Board of Elections and the Department of Employment Security: Automatic Voter Registration (26 IAC 310; proposed at 49 Ill Reg 4915) (26 IAC 311; proposed at 49 Ill Reg 4925) effective 8/20/25 at 49 Ill Reg 11107 and 11118, establishing a process whereby individuals applying for unemployment benefits or engaging in other transactions through DES can also be registered to vote at the same time. The SBEL rules at 26 IAC 310 (cross referenced by the DES rules at 26 IAC 311) provide that information contained in a DES application will be forwarded to SBEL's online election portal, after which the applicant will have an opportunity to complete the voter registration process through the SBEL portal. However, DES will not knowingly forward applications that lack a residential address (business addresses and Post Office boxes are not acceptable) or applications from persons who qualify under the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

## SBEL PUBLIC INFORMATION

SBEL also adopted amendments to Access to Records of the State Board of Elections (2 IAC 1551; 49 Ill Reg 11098) effective 8/20/25, updating the Board's Freedom of Information Act (FOIA) procedures and contact information for persons making FOIA requests. Written requests will normally receive a response within 5 (previously 7) business days unless an extension is necessary. Provisions for appealing denials to the Executive Director of SBEL have been repealed (under the current FOIA, denials are

appealed to the Attorney General's Public Access Counselor). This rulemaking was adopted as a required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act and does not require First Notice publication.

## DES CONTACT INFO

DES also adopted amendments to Access to Records of the Department of Employment Security (2 IAC 1301; proposed at 49 Ill Reg 4919, adopted at 49 Ill Reg 11112), General Application (56 IAC 2712; proposed at 49 Ill Reg 4928, adopted at 49 Ill Reg 11121), Claims, Adjudication, Appeals and Hearings (56 IAC 2720; proposed at 49 Ill Reg 4934, adopted at 49 Ill Reg 11127), Administrative Hearings and Appeals (56 IAC 2725; proposed at 49 Ill Reg 4943, adopted at 49 Ill Reg 11135), Employment (56 IAC 2732; proposed at 49 Ill Reg 4949, adopted at 49 Ill Reg 11141), Notices, Records, Reports (56 IAC 2760; proposed at 49 Ill Reg 4955, adopted at 49 Ill Reg 11147), Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; proposed at 49 Ill Reg 4961, adopted at 49 Ill Reg 11153), Employees' General Rights and Duties (56 IAC 2815; proposed at 49 Ill Reg 4967, adopted at 49 Ill Reg 11159), Payment of Benefits (56 IAC 2830; proposed at 49 Ill Reg 4971, adopted at 49 Ill Reg 11163) and Claimant's Availability For Work, Ability to Work and Active Search for Work (56 IAC 2865; proposed at 49 Ill Reg 4977, adopted at 49 Ill Reg 11169), all effective 8/20/25. These amendments update the address of the DES main office in Chicago and clarify where unemployment benefit applicants, employers, labor unions, and others are to send documents by U.S. mail, fax or e-mail.

*Questions/requests for copies of the 2 SBEL rulemakings: H. Poyer, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217-782-4141, [GeneralCounsel@elections.il.gov](mailto:GeneralCounsel@elections.il.gov).*

*Questions/requests for copies of the 11 DES rulemakings: Kevin Lovellette, DES, 115 S. LaSalle Street, 19<sup>th</sup> Floor, Chicago IL 60603, 312-793-1224, fax: (312) 793-5645, [Kevin.Lovellette@illinois.gov](mailto:Kevin.Lovellette@illinois.gov)*

## DEFERRED COMPENSATION

The ILLINOIS STATE BOARD OF INVESTMENT adopted amendments to State (of Illinois) Employees' Deferred Compensation Plan (80 IAC 2700; 49 Ill Reg 1378) effective 8/25/25 at 49 Ill Reg 11174, that implement recent changes in federal law. These amendments provide for additional age-based catch-up provisions allowed by the federal SECURE 2.0 Act of 2022 for participants ages 60 through 63; qualified disaster recovery distributions of up to \$22,000 for persons who live in federally declared disaster areas and have suffered economic losses from the disaster; require mandatory cash-out distributions to participants who leave State employment with a deferred compensation balance of \$1,000 or less; and increase from \$5,000 to \$7,000 the threshold for in-service distributions (when a participant who is still employed voluntarily chooses to cash out a balance below the threshold amount).

*Questions/requests for copies: Mary Cahill, ISBI, 180 N. LaSalle St., Suite 2015, Chicago IL 60601, 312-793-5712, [mcahill@isbinvestment.com](mailto:mcahill@isbinvestment.com)*

## 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 September 16, 2025 meeting in Chicago. 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).

### IL GAMING BOARD

Sports Wagering (11 IAC 1900; 49 Ill Reg 8840) proposed 7/11/25

### DEPT OF INSURANCE

Navigator, In-Person Counselor and Certified Application Counselor Certification (50 IAC 4515; 49 Ill Reg 7753) proposed 6/6/25

### Next JCAR Meeting: Tuesday, Sept. 16, 11 a.m.

Room C-600, Bilandic Bldg., 160 N. La Salle, Chicago  
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

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