

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

FOID APPEALS

The FIREARM OWNER'S IDENTIFICATION CARD REVIEW BOARD proposed amendments to the Part titled Reinstatement of Firearm Rights (20 IAC 3500; 49 Ill Reg 12821) that add a new Section establishing procedures for expedited review of FOID Card denials and suspensions that are based on "clear and present danger" determinations against the petitioner. An individual whose FOID has been denied or suspended based on such a determination may request an expedited review (via a form available at the FOID Card Review Board's website) if the individual is contesting the facts presented in the clear and present danger report, or contesting whether those facts meet the definition of "clear and present danger" in the FOID Card Act. A request for expedited review must be heard by the FOID Card Board within 45 days after it is filed. Persons who must be notified of the hearing, in

addition to the petitioner, include the person or persons who initially filed the clear and present danger report (e.g., physician, clinical psychologist, law enforcement officer, school administrator, or other qualified examiner), whose identity will not be disclosed to the petitioner without that person's explicit written consent,

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No Second Notices This Week

or if the Board determines that disclosure is strictly necessary to ensure the petitioner can present an adequate defense. The Board must issue a final decision within 14 days after the hearing. The rulemaking also clarifies that when the Board makes a final decision to deny a FOID Card for any reason, the petitioner must wait two years after the denial before reapplying for a FOID Card, unless a court orders otherwise.

Questions/requests for copies/comments through 12/1/25: Lauren Raymond, FOID Card Review Board, 801 South 7th Street – 400N, Springfield IL 62703, 773-797-6877, ISP.FCRB.PublicComment@illinois.gov

▪ MOLD REMEDIATION

The DEPARTMENT OF PUBLIC HEALTH proposed a new Part titled Mold Remediation Registration Code (77 IAC 835; 49 Ill Reg 12832) implementing the Mold Remediation Registration Act [410 ILCS 105]. The Act and the new Part establish a registration process for persons and businesses that remove, clean, sanitize or take preventive measures against mold development in water-damaged buildings or building materials in return for compensation. Registration applicants must be certified by the National Organization of Remediators and Microbial Inspect-

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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

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ors (NORMI), the Institute for Inspection, Cleaning, and Restoration Certification (IICRC), or another organization recognized by DPH; list the names and contact information of all employees that maintain certification; and must carry liability, bodily injury, property damage and worker's compensation insurance in the required coverage amounts. Registrations will be valid for 2 years and will expire on September 30 of odd-numbered years. DPH will maintain a publicly available list of certified mold remediators. The new Part also includes provisions for DPH to deny or refuse to renew registration, an appeal process for affected registrants, and a complaint process for the public. Persons who are exempt from registration include home builders or remodelers working on a building with 4 or fewer residential units, under the terms of the building's warranty; employees of a registered mold remediation contractor working under the direct supervision of a registered mold remediator; and volunteers who temporarily perform mold remediation activities following a local, State or federally-declared disaster. Businesses that perform mold remediation services are affected by this rulemaking.

Questions/requests for copies/comments through 12/1/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

▪ JOURNALISM SCHOLARSHIPS

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed a new Part titled Journalism Student Scholarship

Emergency Rule

SNAP ELIGIBILITY

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 49 Ill Reg 13098) effective 10/1/25 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 49 Ill Reg 12830. The emergency and proposed rulemakings update the monthly SNAP benefit levels along with the income thresholds, exemptions and deductions used when determining SNAP financial eligibility. Maximum net monthly income based on household size is adjusted for inflation and raised to \$1,305 (formerly \$1,255) for 1 person, \$1,763 (formerly \$1,704) for 2 persons and \$2,680 (formerly \$2,600) per month for 4 persons. Gross income limits based on a percentage of the Federal Poverty Level (130%, 165% or 200%) by household size are also increased, as are the standard deductions, deduction for shelter costs, shelter deduction for homeless persons, and utility deductions. Finally, the maximum SNAP benefit per household is increased by approximately \$5 per person per month, to \$298 (formerly \$292) for 1 person, \$546 (formerly \$536) for 2 persons, and \$994 (formerly \$975) for 4 persons.

Questions/requests for copies/comments on the proposed rulemaking through 12/1/25: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

Program (23 IAC 2755; 49 Ill Reg 12893) implementing provisions of PA 103-1021, the Strengthening Community Media Act. This Part establishes scholarships of up to \$5,000 per award year toward tuition and fees for Illinois residents enrolled or accepted for enrollment, on at least a half-time basis, in postsecondary courses of study in journalism or a related field. Recipients must apply for the scholarship annually, with the application deadline established by ISAC and posted on its website. The scholarship is contingent on available funding, with priority given to renewal applicants. Recipients must also agree to work at a local news organization in Illinois for at least 2 years after graduation. (A "local news organization" is defined in the PA as a print, digital, or hybrid entity that employs at least one person who lives within 50 miles of the coverage area, for a minimum of 30 hours per week,

to provide original coverage of local community or State news. A qualifying print publication must publish at least one issue per month and a qualifying digital entity must post new material at least once per week.) Small businesses or non-profits that operate local news organizations are affected.

▪ WORKFORCE DEVELOPMENT

ISAC also proposed a new Part titled Workforce Development Through Charitable Loan Repayment Program (23 IAC 2776; 49 Ill Reg 12900) implementing PA 103-592. This Part establishes a program through which qualified community foundations may provide educational loan repayment assistance to full-time workers who are employed by a qualified new business venture, in a targeted growth industry (i.e., advanced manufactur-

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Proposed Rulemakings

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ing, agribusiness and food processing, transportation, life sciences and biotechnology, business and professional services, or energy), by a minority- or women-owned business, or by a non-profit corporation, or are employed at a job site in an Enterprise Zone, Opportunity Zone, underserved area, or area with a below-average bachelor's degree attainment rate. Qualified workers must have attained an associate degree or higher and have an outstanding balance due on an educational loan, or have incurred educational debt while pursuing a skilled trade. A community foundation that wishes to participate in the program must submit to ISAC a summary of its proposed loan repayment program, including work requirements; a sample application with questions to be answered by assistance applicants; and an outline of the application, certification and award processes. The foundation must also submit the names of its governing board members and a copy of its most recent financial audit. If ISAC approves, the foundation will enter into a partnership agreement with ISAC that must be renewed annually for up to 5 years. The foundation will establish the application requirements for qualified workers, along with work requirements and eligibility

certification. Small businesses and non-profits may be affected.

STUDENT ASSISTANCE

ISAC also proposed amendments to the Parts titled Grant Program for Exonerees (23 IAC 2743; 49 Ill Reg 12844), Nursing Education Scholarship (23 IAC 2749; 49 Ill Reg 12851), Illinois Graduate and Retain our Workforce (iGROW) Tech Scholarship Program (23 IAC 2750; 49 Ill Reg 12875), Human Services Professional Loan Repayment Program (23 IAC 2752; 49 Ill Reg 12883), and Community Behavioral Health Care Professional Loan Repayment Program (23 IAC 2753; 49 Ill Reg 12888).

The Part 2743 rulemaking implements Public Act 103-1046 by changing the name of the Part to Grant Program for Exonerees and Their Dependents and expanding eligibility to dependents (spouses, natural or legally adopted children, and children in one's legal custody) of exonerated persons who have received a pardon from the Governor or a certificate of innocence from a circuit court on the grounds that they were innocent of a crime for which they were convicted or imprisoned. Dependents of an exonerated person may apply for and receive grants from remaining eligibility units not used by the exonerated person, up to a maximum of 48 total units (12 per year for 4 years) for the exoneree and any dependents. Funds must be used at an institution that participates in the Monetary Award Program (MAP)

(currently, at a public university or community college) and may, under certain conditions, be used to pay for tuition and mandatory fees at a private institution in Illinois.

Part 2749 is being amended to align the Nursing Education Scholarship rules, which were transferred to ISAC from the Department of Public Health in 2023, with the ISAC format and to clarify or reduce redundancy in various Sections. Amendments to Part 2750 clarify academic qualifications for applicants and the work obligation for scholarship recipients, and also clarify that housing and food costs are included in the definition of room and board costs covered by the scholarship.

Amendments to Parts 2752 and 2753 add definitions of "human services agency" (Part 2752) and "behavioral health professional" (Part 2753) and clarify the duration of the employment obligation prior to applying for these loan repayment programs. The Part 2753 rulemaking also allows individuals who have earned bachelor's or master's degrees in counseling, psychology, or social work, persons with master's degrees in marriage and family therapy, and Certified Recovery Support Specialists to qualify for the program.

Questions/requests for copies/comments on the 7 ISAC rulemakings through 12/1/25: Carly Mandarino, ISAC, 1755 Lake Cook Road, Deerfield IL 60015, 847-831-6753, carly.mandarino@illinois.gov

JCAR Meeting Action

At its October 14, 2025 meeting, the Joint Committee on Administrative Rules approved the following actions. Proposed rulemakings that were on the meeting agenda and are not listed below received No Objection and may now be adopted by their agencies. Emergency rules not acted upon at this meeting may be reconsidered at future meetings.

FAILURE TO REMEDY

JCAR issued a Notice of Failure to Remedy with regard to the Department of Corrections' response to the Committee's Objection to emergency rules titled Rights and Privileges (20 IAC 525; 49 Ill Reg 10945), which was issued at the September 16 JCAR meeting. The Department failed to acknowledge a key point of the Objection, specifically that the emergency situation necessitates the "adoption of the rule upon fewer days' notice than is required by the proposed rulemaking process." Going forward, the Department should ensure this statutory requirement is met before filing an emergency rule.

RECOMMENDATIONS

With respect to the Illinois Gaming Board rulemaking titled Sports Wagering (11 IAC 1900; 49 Ill Reg 8840) JCAR recommended that the Board provide a more comprehensive statutory authority framework in its Notice of Proposed rules.

With respect to the Capital Development Board rulemaking titled Illinois Energy Codes (71 IAC 600; 49 Ill Reg 7704) JCAR recommended that, in future rulemakings related to the Energy Efficient Building Act, the Board provide a more comprehensive and Illinois-specific economic impact analysis. A robust economic analysis should create a clear picture of the potential financial implications for the affected public. Such analysis should quantify, to the extent feasible, the direct and indirect costs of compliance, potential cost savings over time, and compare the impacts of

alternative compliance pathways. This level of detail will not only improve transparency and accountability in the rulemaking process but will allow JCAR and the public to more accurately assess the balance between regulatory benefits and economic burdens.

With respect to the Department of Public Health rulemaking titled Hospital Licensing Requirements (77 IAC 250; 49 Ill Reg 8063) JCAR recommended that the Department be more timely in updating statutory changes in rule. This rulemaking implements Public Act 98-851, effective August 1, 2014, which amended Sec. 6.08(b) of the Hospital Licensing Act [210 ILCS 85] to require the Department to use the federal Center for Disease Control's list of potentially life-threatening infectious diseases to determine which diseases require notification to emergency responders who were exposed to an incoming hospital patient diagnosed with one of these diseases. This Public Act also changed the written notification timeframe from 72 to 48 hours after the patient's diagnosis and added procedures specific to bloodborne and airborne infectious diseases. The Department is 11 years late in updating its hospital licensing rules to reflect these changes.

EXTENSIONS

JCAR, with the concurrence of the respective agencies, extended the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the November 18 JCAR meeting.

Department of Financial and Professional Regulation, Consumer Legal Funding Act (38 IAC 170; 49 Ill Reg 3743)

Department of Healthcare and Family Services, Medical Payment (89 IAC 140; 49 Ill Reg 8871)

Adopted Rules

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; proposed at 49 Ill Reg 5916) effective 10/3/25 at 49 Ill Reg 13029, implementing Public Act 103-824, which allows SOS to issue mobile drivers licenses and State identification cards, collectively known as "mobile credentials", that can be displayed and accessed on a smartphone, smart watch or other mobile communication device. Persons who currently hold valid Illinois driver's licenses or IDs in card form (physical credentials) may apply for mobile versions by downloading an approved digital wallet from a participating provider and following its directions, which may include taking a selfie photo and pictures of the front and back of the current driver's license. These photos will be electronically encrypted and transmitted to SOS and compared to the photo and license/ID currently on file with SOS. If SOS determines that the photo and license/ID data match, the mobile credential will be approved and added to the digital wallet. SOS may deny a mobile credential if the photos taken are blurry or do not include the entire front and back of the physical credential, or if the physical credential appears to be damaged or tampered with. An applicant may resubmit their photo and license/ID pictures after a denial. Holders of a mobile credential must continue to carry their physical credentials when required by law and may access the mobile credential on no more than one phone and one smart watch. The mobile credential may only be accessed via biometric means (fingerprints, facial identification) or by a Personal Identification Number (PIN), pattern or password as allowed by the digital wallet provider. The mobile credential

can be deleted from the digital wallet at any time without SOS approval or any effect on the validity of the physical credential. The rulemaking also allows third party testing entities for commercial driver's licenses to provide training to non-Illinois residents. Since 1st Notice, SOS has made numerous clarifying changes, including: removing various definitions and updating others; clarifying the extent of privacy and security measures to be implemented by SOS and the digital wallet provider and the means of access to a mobile credential that a digital wallet provider may allow; no longer requiring an applicant whose address has changed to obtain a new physical credential prior to applying for a mobile credential; and clarifying that mobile credential holders may clear their transaction logs at their discretion.

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

• COSMETOLOGY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (68 IAC 1175; proposed at 49 Ill Reg 1664) effective 10/6/25 at 49 Ill Reg 12951, implementing PAs 103-675 and 103-851. The rulemaking establishes experience and education requirements for teachers currently licensed under the Act to obtain an additional teacher license under this Act and requires 1 hour continuing education for all licensees regarding abnormal skin growths (which may be signs of skin cancer). Curriculum requirements for barbers and for cosmetologists are expanded to

include training in diverse hair types and textures. Other provisions remove a requirement that nail technicians and nail technology teachers licensed in another state and seeking Illinois licensure by endorsement also pass the Illinois nail technology exam, and update other provisions related to continuing education. Persons who perform or teach hair styling, hair braiding, skin care and manicuring are affected.

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

• FOOD PRODUCTION

The DEPARTMENT OF AGRICULTURE adopted a new Part titled Local Food Infrastructure Grant (8 IAC 340; proposed at 49 Ill Reg 3814) effective 10/2/25 at 49 Ill Reg 12909, that implements the Local Food Infrastructure Grant Act. The Act and this Part create a Local Food Infrastructure Grant Program to support local food processing, aggregation and distribution. The program will be funded, subject to appropriation, by a dedicated State Treasury fund, and operated by either DOA or a contracted non-profit, tax-exempt organization that represents farmers. Entities eligible to apply for grants 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

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Adopted Rules

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that will receive grant funds and handle all 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. Since 1st Notice, DOA has added statutory language clarifying that the 25% match may include cash, cash equivalents, bonds, irrevocable letters of credit, time and labor, or any combination of these items; added a definition of "Illinois Cooperative" and clarified the definition of "Small Food Sector Business"; and italicized statutory

language. 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: Shauna Collins, DOA, PO Box 19281, State Fairgrounds, Springfield IL 62794-9281, 217-782-3256, Shauna.Collins@Illinois.gov

▪ NEWBORN SCREENING

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Newborn and Infant Screening and Treatment Code (77 IAC 661; proposed at 49 Ill Reg 7922) effective 10/6/25 at 49 Ill Reg 13014, that add guanidinoacetate methyltransferase (GAMT) deficiency and metachromatic leukodystrophy (MLD) to the list of conditions for which newborns are screened at birth and increase the screening test fee from \$128 to \$411.35. (DPH states that the increase is necessary to maintain program operations and address unmet needs.) Hospitals and other facilities that submit newborn screening tests to DPH are affected.

Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

▪ INVASIVE PLANTS

The DEPARTMENT OF NATURAL RESOURCES adopted a new Part titled Regulations for Exotic Weeds (17 IAC 1100; proposed at 49 Ill Reg 5670) effective 10/1/25 at 49 Ill Reg 12989, implementing Public Act 103-620. This rule establishes an official list of exotic weeds, defined in the Illinois Exotic Weeds Act and in this rule as plants not native to North America that "spread vegetatively or naturalize and degrade natural communities, reduce the value of fish and wildlife

habitat, or threaten an Illinois endangered or threatened species". The rule also requires DNR permits to buy, sell, offer for sale, distribute, or plant seeds, plants, or plant parts of plants classified by DNR (after consultation with the Department of Agriculture) as exotic weeds. Plants listed in this Part as exotic weeds include tree of heaven; multiflora rose; garlic mustard; Oriental bittersweet; poison hemlock; Russian, thorny, and autumn olive; giant hogweed; and various species of honeysuckle, knotweed and buckthorn. Effective 1/1/28, callery pear will also be classified as an exotic weed. The Part also establishes a process for individuals, businesses, State agencies and other entities to obtain exotic weed permits, which must specify whether the plants, seeds or plant parts in question are viable (capable of being propagated) or non-viable. Permits for viable plants will be granted only for controlled environments or research into methods of controlling exotic weeds, and all plants must be destroyed after the permit expires. Permits expire annually on December 31, are not transferable, and are renewable upon filing an annual report and permit renewal application with DNR. Those affected by this rulemaking include businesses or State agencies involved in invasive plant control or research.

Questions/requests for copies: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

▪ COAL WASTE

The POLLUTION CONTROL BOARD adopted amendments to the Part titled Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments (35 IAC 845; proposed at 49 Ill Reg 7471) effective 10/2/25 at

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Adopted Rules

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49 Ill Reg 13000, that clarify certain aspects of existing regulations for coal combustion residuals (CCR) stored above ground, either as open piles or in confined storage units. This rulemaking requires that site plan maps for new CCR surface impoundments include the location any monitoring wells for a CCR storage unit among the existing and proposed groundwater monitoring wells for the facility. Additionally, plans for closing a CCR surface impoundment must include the design and construction plans for a CCR storage unit and any associated barriers or berms, including the size/dimensions of the storage unit, the type of material to be used, and the estimated amount of time the storage unit will be

operational. Owners and operators of CCR storage facilities are affected.

Questions/requests for copies: Clerk's Office, PCB, 60 E. Van Buren, Suite 630, Chicago IL 60605, 312-814-3621, don.brown@illinois.gov. Please reference Docket R19-20(B).

▪ IEPA CONTACT INFO

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to the Parts titled Procedures and Criteria for Reviewing Applications for Provisional Variances (35 IAC 180; proposed at 49 Ill Reg 3723, adopted at 49 Ill Reg 12932), Procedures for Collection of Air Pollution Site Fees (35 IAC 251; proposed at 49 Ill Reg 3728, adopted at 49 Ill Reg 12937), Public Participation in the Air Pollution Control Permit Program (35 IAC 252;

proposed at 49 Ill Reg 3732, adopted at 49 Ill Reg 12941) and Clean Air Act Permit Program Procedures (35 IAC 270; proposed at 49 Ill Reg 3737, adopted at 49 Ill Reg 12946), all effective 9/29/25, that remove the former mailing address of IEPA and direct permit applicants or fee payors to send their applications or fees to the current address of IEPA's headquarters (changed since 1st Notice from directing applicants to the agency website). Businesses, municipalities and other entities applying for permits or paying IEPA fees are affected.

Questions/requests for copies of the 4 IEPA rulemakings: Sarah McKavetz, IEPA, 2520 W. Iles Ave., PO Box 19276, Springfield IL 62794-9276, 217-782-5544, sarah.mckavetz@illinois.gov

Next JCAR Meeting: Tuesday, Nov. 18, 11 a.m.

Room C-600, Bilandic Bldg. 160 N. LaSalle St., 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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