

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

▪ INFRASTRUCTURE PROJECTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY has proposed a new Part titled Illinois Dig Once Act (14 IAC 549; 50 Ill Reg 1997) implementing Public Act 103-378, which attempts to minimize disruptions caused by repeated excavations during road construction projects. The PA requires the Department of Transportation, the Illinois State Toll Highway Authority, the Illinois Commerce Commission, and DCEO to consult with the State-Wide One-Call Notice System to jointly develop rules to reduce relocation of public water and wastewater infrastructure during road construction projects, and promote the deployment of broadband infrastructure and underground utility facilities. The new Part represents DCEO's portion of these rules. DCEO's Illinois Office of Broadband will host the Dig Once Coordinator who will be responsible for coordinating

communications among the agencies comprising the Dig Once Committee (DCEO, DOT, ISTHA, and ICC). The Dig Once Coordinator's responsibilities include managing a portal through which these agencies can access capital build projects, initiate formal agreements, and check on the status of current underground projects. The

**Adopted Rules, Page 2
No Second Notices This Week**

Committee will meet at least quarterly and will facilitate agreements among the member agencies to plan coordinated excavations among projects with overlapping timelines and locations. The Dig Once Coordinator and the Committee will also facilitate and promote the availability of excess dark fiber (deployed but not currently being used), conduit and other components of broadband infrastructure that can be installed while excavations are taking place. Entities interested in

accessing these items may apply through a centralized portal when DCEO posts notice of an opportunity. Those affected by this rulemaking include broadband service providers and contractors participating in affected construction projects.

Questions/requests for copies/comments through 3/30/26: Gina Arterberry, DCEO, 1011 S. 2nd St., Springfield IL 62704-3004, 217-524-8974, Gina.M.Arterberry@Illinois.gov

FINANCIAL INSTITUTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Parts titled Credit Union Community Reinvestment (38 IAC 185; 50 Ill Reg 2029), Bank Community Reinvestment (38 IAC 345; 50 Ill Reg 2080) and Mortgage Community Reinvestment (38 IAC 1055; 50 Ill Reg 2114) imple-

(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)

menting FY 2027 fee schedules (unchanged from FY 2026) and adding examples of Illinois Community Reinvestment Act (ILCRA) activities that may affect a financial institution's ILCRA examination findings, including home mortgage loans, small business loans, and loans to farms. The Part 185 rulemaking also clarifies that a small or intermediate credit union may choose to be assessed by performance standards for larger credit unions. Financial institutions subject to ILCRA are affected.

DFPR PROCEEDINGS

DFPR also proposed amendments to the Part titled Hearings Before the

Division of Banking and Division of Financial Institutions (38 IAC 100; 50 Ill Reg 2016) regarding language access and interpretive assistance during administrative hearings. The rulemaking adds definitions relating to interpretive and translational assistance, details requirements for submitting a petition for hearing and requesting withdrawal by an attorney of record, sets forth a process for challenging subpoena requests, and clarifies that summary or temporary suspensions remain in effect until a final order is issued.

Questions/requests for copies/comments on the 4 DFPR rulemakings through 3/30/26: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

IEMA-OHS RULE WITHDRAWAL

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY has withdrawn proposed amendments to General Grantmaking of the Illinois Emergency Management Agency and Office of Homeland Security (44 IAC 7030; 49 Ill Reg 3435) that were published in the 3/21/25 *Illinois Register*. These amendments were intended to clarify various aspects of the Agency's grant programs, including the applicability of State and federal grant rules. Based on public comment received, IEMA-OHS is reconsidering its approach to this matter and intends to refile this rulemaking at a later date.

Adopted Rules

• HOME HEALTH SERVICES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; proposed at 49 Ill Reg 7878) effective 1/30/26 at 50 Ill Reg 2147, that update incorporated federal and State regulations and other documents. Since 1st Notice, DPH removed provisions addressing registered nurse delegation of certain tasks to other nurses or aides in specific home care situations. RN delegation will be addressed in a future rulemaking. Home health and home nursing agencies 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

• EMPLOYMENT WAGES

The DEPARTMENT OF EMPLOYMENT SECURITY adopted an amendment to the Part titled Wages (56 IAC 2730; proposed at 49 Ill Reg 11988) effective 2/2/26 at 50 Ill Reg 2143, aligning the Part with the Internal Revenue Code. The rulemaking counts an employer's matching contribution to a worker's 401(k) as part of the worker's wages through 6/30/26. Effective 7/1/26, the employer matching contribution to a 401(k) will not be counted as wages. Businesses that provide employee 401(k) plans may be affected.

Questions/requests for copies: Kevin Lovellette, DES, 115 S. LaSalle St., Floor LL2, Chicago IL 60603, 312-793-1224, fax 312-793-5645, Kevin.Lovellette@illinois.gov

SURS TRUSTEES

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted an amendment to Universities Retirement (80 IAC 1600; proposed at 49 Ill Reg 10742) effective 1/28/26 at 50 Ill Reg 2186, incorporating updates to the Open Meetings Act. The rulemaking adds unexpected childcare obligations and other statutorily permissible reasons to the list of reasons for remote participation in a Board of Trustees meeting, and requires members of the public to give written notice of intent to address the Board during a meeting to give written notice of their intent at least 24 (previously 48) hours in advance.

Questions/requests for copies: Albert J. Lee, SURS, 1901 Fox Drive, Champaign IL 61820, 217-378-8861, alee@surs.org

Next JCAR Meeting: Tuesday, Feb. 17, 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

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