

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

REMOTE RETAILERS

The DEPARTMENT OF REVENUE proposed an amendment to the Part titled Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 50 Ill Reg 6403). This rulemaking implements a provision of Public Act 104-6 by establishing rules for the Remote Retailer Amnesty Program, which will be in effect from 8/1 through 10/31/26. This program allows remote retailers that owe past due State or local sales tax on sales of goods shipped to Illinois residents to pay the amount owed, or enter into a payment plan with DOR, at a "simplified" tax rate without additional interest or penalties. This amnesty program applies only to Retailer's Occupation Tax liability incurred between 1/1/21 and 6/30/26 by remote retailers with no physical presence in Illinois. The simplified tax rate is 9% for taxes owed on sales of general merchandise and 1.75% for tax owed on sales of grocery items

normally subject to 1% State tax. Retailers selling items online or by mail or express shipment to Illinois customers are affected.

Questions/requests for copies/comments through 6/22/16: Alexis K. Overstreet, DOR, 101 W. Jefferson St., Springfield IL 62702, 217-782-7055, REV.GCO@illinois.gov

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• HAZARDOUS WASTE

The POLLUTION CONTROL BOARD proposed amendments to the following 8 Parts: RCRA Permit Program (35 IAC 703, 50 Ill Reg 6054), Hazardous Waste Management System: General (35 IAC 720; 50 Ill Reg 6068), Identification and Listing of Hazardous Waste (35 IAC 721; 50 Ill Reg 6141), Standards Applicable to Transporters of Hazardous Waste (35

IAC 723; 50 Ill Reg 6228), Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 724; 50 Ill Reg 6241), Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 725; 50 Ill Reg 6310), Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 IAC 726; 50 Ill Reg 6371), and Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit (35 IAC 727; 50 Ill Reg 6382). The proposed amendments implement U.S. Environmental Protection Agency (USEPA) updates to the Resource Conservation and Recovery Act (RCRA) made between July and December 2024, along with additional, limited non-substantive corrections.

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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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These changes include federal rules intended to increase use of the e-Manifest system for tracking hazardous waste shipments and establish alternative RCRA standards

for certain ignitable spent refrigerants being recycled for reuse. Since these rulemakings are identical in substance to federal regulations, they will have a 45-day First Notice public comment period but are exempt from Second Notice JCAR review under the Illinois Administrative Procedure Act. Businesses that transport or store hazardous waste are affected.

Questions/requests for copies/comments on the 8 PCB rulemakings through 6/22/26: Don A. Brown, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3461, don.brown@illinois.gov. Please reference Docket R26-4.

Adopted Rules

▪ DCFS BACKGROUND CHECKS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to the Part titled Background Checks (89 IAC 385; proposed at 49 Ill Reg 5510) effective 4/24/26 at 50 Ill Reg 6445, to align the Part with federal requirements for day care block grants and foster care grant programs. Comprehensive background checks are required prior to employment and every 5 years thereafter for all employees, operators, volunteers, caregivers and anyone with access to children in day care homes, foster family and temporary host homes, child welfare agencies and congregate care facilities. They are also required for non-licensed care providers who provide care for any child in DCFS custody. These checks must include: a fingerprint-based criminal background check of the Illinois State Police and FBI databases; a check of the Illinois and National Sex Offender Registries; and a check of the DCFS State Central Register of child abuse and neglect reports. For caregivers and others who have resided in another state during the past 5 years, that state's criminal, sex offender and child abuse registries must also be checked. Persons hired by day care homes or centers may begin working on a probationary basis after clearing an initial background check of the ISP (and/or other home

state) and FBI databases, but they cannot be left alone with children until all background checks are complete. Members of the household in a day care or group day care home, foster home or host home who are ages 13 through 17 must complete a partial background check of the Illinois and National Sex Offender Registries and the DCFS State Central Register. Anyone in the household who is age 18 or older must complete a comprehensive background check. Parents and visitors to child care facilities are not subject to background checks but may not be left alone with any children other than their own. (Since 1st Notice, DCFS has clarified that "resource personnel" such as physicians, nurses, psychologists and therapists, who are not employed by a child care facility and are on the premises simply to provide services, also do not have to complete a background check if they are not left alone with children.) Persons offered employment by a child welfare agency or congregate care facility may not begin work until cleared by a completed comprehensive background check. License applicants must also certify that they are not more than 30 days delinquent in any child support payments. Foreign nationals must submit copies of their valid passport or current visa when applying for a day care license or employment as a child

care worker. Other provisions of this rulemaking update the statutory lists of waivable and non-waivable criminal convictions and outline procedures and factors involved in obtaining a waiver. Day care providers, foster families and child welfare agencies/facilities are affected.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe St., Sta. #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

▪ QUANTUM COMPUTING

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Quantum Computing Campus Program (14 IAC 519; proposed at 49 Ill Reg 15442) effective 4/27/26 at 50 Ill Reg 6506, implementing the Quantum Enterprise Zone Program created by Public Act 103-595. Under the Program, DCEO may designate quantum computing campuses across the State which are performing research and development, operation, and manufacturing activities to meet the demand of quantum computing for practical applications. DCEO may also certify tenants of a designated campus for State tax exemptions on electric and gas utilities, telecommunication services, and sales

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Adopted Rules

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of building materials. The exemptions take effect once a company commits investment capital and creates jobs through a project at a designated quantum campus. Rules that apply to for-profit, non-profit, and government entities seeking to designate a quantum computing campus or seeking tax exemption certificates are outlined in this Part. Those affected by this rulemaking include college/university campuses and non-profit or government entities participating in quantum computing research and development.

FILM PRODUCTION

DCEO also adopted amendments to the Part titled Illinois Film Production Service Tax Credit Program (14 IAC 528; proposed at 50 Ill Reg 525), effective 4/27/26 at 50 Ill Reg 6523, that incorporate recent statutory changes to the Illinois Film Production Services Tax Credit Program. For accredited productions commencing on or after 7/1/25, the allowable tax credit is equal to the total of the following items: 35% of Illinois production spending (on services from Illinois vendors and/or employment of Illinois residents); 30% of wages paid to non-Illinois residents; 15% of Illinois labor expenditures from employment of residents in high poverty or high unemployment areas; 5% of Illinois labor expenditures in counties other than Cook, DuPage, Kane, Lake, McHenry, and Will; 5% of Illinois production spending on a TV series that relocated to Illinois from another jurisdiction; and 5% of Illinois production spending on a production that DCEO has certified as "green" (environmentally friendly). Illinois labor expenditures are generally limited to no more than 2 executive producers per accredited production,

with some exceptions. For accredited productions commencing on or after 2/3/23, the rulemaking reflects statutory limitations and conditions under which wages paid to nonresidents may be counted as Illinois labor expenditures. For productions commencing on or after 6/16/25, the rulemaking places caps on the percentage of "above the line" spending as defined in the film and TV industry (e.g., salaries for producers, directors, screenwriters, principal actors and supporting actors) and "below the line" spending (for personnel providing off-camera technical services) that can be claimed as Illinois labor expenditure qualifying for the tax credit, and also provides a process for requesting a waiver of these caps. Effective 7/1/24, in order to receive a tax credit certificate from DCEO, applicants must also pay a fee equal to 2.5% of the credit attributable to nonresident wages plus 0.25% of the difference between the nonresident wage credit and the applicant's total credit. The rulemaking also clarifies and/or aligns with statute various definitions; requires CPA attestations for related party transactions; and adds a formal dispute process. Changes since 1st Notice clarify various definitions along with statutory text.

Questions/requests for copies of the 2 DCEO rulemakings: Gina Arterberry, DCEO, 1011 S. Second St. Springfield IL 62704-3004, 217-524-8974, Gina.M.Arterberry@Illinois.gov

TRAFFIC ENFORCEMENT

The ILLINOIS STATE POLICE adopted a new Part titled O'Hare Driver Safety Act (92 IAC 3500; proposed at 49 Ill Reg 14504) effective 4/27/26 at 50 Ill Reg 6561, outlining its enforcement procedures for the Act [625 ILCS 80], which prohibits stopping or standing on exit ramps or highway shoulders within a ½ mile radius of the eastern

entrance to O'Hare International Airport and the intersection of Interstates 90 and 294 (changed since 1st Notice from a 2-mile radius from the airport). ISP will enforce the Act through automated traffic safety cameras that it will procure, install and maintain. After ISP has determined the routes where these cameras will be installed, it will work with the appropriate highway agencies to post signage advising motorists that stopping or standing along the route is prohibited, and that that route is being monitored by an automated traffic safety system. Recorded images from this system will be used to identify violators; these images will be made available to alleged violators through a link at the ISP website. Violations are subject to a \$100 fine. Persons wishing to contest a notice of violation may request an administrative review hearing before an Administrative Law Judge, who must issue a recommendation within 45 days after the hearing, with a final decision to be made by the ISP Director within 30 days after receiving the recommendation and case record.

Questions/requests for copies: Steffanie Garrett, ISP, 801 S. Seventh St., Ste. 1000-S, Springfield IL 62703, 217-782-7658, Steffanie.N.Garrett@Illinois.gov

• DOT PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION adopted amendments to the Part titled Chief Procurement Officer for the Department of Transportation – Contract Procurement (44 IAC 6; proposed at 49 Ill Reg 16138) effective 4/27/26 at 50 Ill Reg 6426, implementing Public Act 103-865. The PA amended the Public-Private Partnership for Transportation Act (P3

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Adopted Rules

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Act) by creating a process for submitting unsolicited proposals that are not in response to a formal or informal request issued by a responsible public entity. The rulemaking adds a new Subpart outlining procedures for receiving, reviewing and implementing unsolicited proposals under the P3 Act. DOT will post public notice that it will accept unsolicited proposals, and the approved methods for submitting proposals, on its website at least 30 days before the acceptance period begins. Proposals must be accompanied by the statutorily

required proposal review fee. Unsolicited proposals must meet financial and planning criteria specified in the rulemaking and cannot duplicate projects already being considered, planned or procured by DOT, or projects that DOT has declined, rejected, or abandoned within the previous 24 months. If an unsolicited proposal does not pass the eligibility determination review, DOT will refund the proposal review fee. If a proposal passes the eligibility determination review, DOT will conduct a preliminary evaluation of the proposal, followed by solicitation of counterproposals and a "best and final offer" process if one or more counterproposals are deemed to be superior to the original, unsolicited

proposal. Public notice of the original proposal and counterproposals must be given to impacted communities and a public meeting held before a proposal is accepted and an agreement finalized. The rule also contains specifications for the maintenance of project records, information confidentiality, and terms and conditions that must be included in awarded contracts. A change since 1st Notice allows for interim agreements permitting preliminary, non-construction development before an agreement is finalized.

Questions/requests for copies: Bill Grunloh, CPO-DOT, 2300 S. Dirksen Pkwy., Springfield IL 62764, 217-558-5434, IDOT.AdminRules@illinois.gov

Second Notice

The following rulemaking was moved to Second Notice by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the May 12, 2026, meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR at jcar@ilga.gov.

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Residential Mortgage License Act of 1987 (38 IAC 1050; 49 Ill Reg 10341) proposed 8/15/25

Next JCAR Meeting: Tuesday, May 12, 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

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