

# 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

### DCFS FAMILY SERVICES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Services Delivered by the Department of Children and Family Services (89 IAC 302; 49 Ill Reg 11937) implementing the federal Family First Prevention Services Act (FFPSA) by establishing a Prevention Services Program for children/youth and families identified as being in need of support services to avert removal of children from the home. Prevention services will be provided to the families of children and youth who are candidates for foster care but currently remain in their home or with a relative; children/youth whose adoption or guardianship placement is at risk of disruption; youth in foster care who are pregnant; and youth in foster care who are parenting their own children. Services provided include, but are not limited to, mental health services, substance abuse prevention and treatment, and in-

home parent-based skill programs. DCFS will develop and maintain a written prevention plan for participating youth and families and will ensure that all services provided are trauma-informed and meet standards established in the FFPSA. The rulemaking also revises and adds definitions to align with federal

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regulations, including the definitions of "adoption assistance or adoption subsidy" and "adoption assistance agreement" and clarifies the circumstances in which adoptive children qualify for, and adoptive families may receive, subsidies; when a subsidy amount can be changed or terminated; and how an adoptive family can appeal a change in or termination of the subsidy. An adoption assistance agreement must specify the nature and amount of any services or funds to be provided and

will remain in effect regardless of the state in which the adoptive parents reside at any given time. The definition of "relative" is also revised to reflect statute and now includes, in the case of children or youth who are returned to DCFS custody after their parents' parental rights have been terminated, any person who would have qualified as a relative prior to the termination of parental rights (e.g., grandparents, aunts/uncles) if DCFS or a court determines this to be in the child's best interests. Other definitions have been updated to align with changes to other Parts or to the rules of other State agencies.

*Questions/requests for copies/comments through 11/10/25: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, Email: [DCFS.Policy@illinois.gov](mailto:DCFS.Policy@illinois.gov)*

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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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## ▪ EMPLOYMENT WAGES

The DEPARTMENT OF EMPLOYMENT SECURITY proposed an amendment to the Part titled Wages (56 IAC 2730; 49 Ill Reg 11988) updating the Part to align with Section 401 of the federal Internal Revenue Code. The rulemaking continues the current practice of counting an employer's matching contribution to a worker's 401(k) plan 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 matching contributions to employee 401(k) plans are affected.

*Questions/requests for copies/comments through 11/10/25: Kevin Lovellette, DES, 115 S. LaSalle St., Floor LL2, Chicago IL 60603, 312-793-1224, fax 312-793-5645, [Kevin.Lovellette@illinois.gov](mailto:Kevin.Lovellette@illinois.gov)*

## ▪ UNCLAIMED PROPERTY

The OFFICE OF THE TREASURER proposed amendments to the Part titled Revised Uniform Unclaimed Property Act (74 IAC 760; 49 Ill Reg 12017) implementing Public Acts 103-977 and 104-116. These amendments require "finders" who engage in the location, recovery or purchase of unclaimed property to be licensed by the Treasurer and to charge client fees of no more than 10% of the amount collected. License applicants must be of good moral character and demonstrate understanding of the Act, and must pay a \$500 initial licensing fee and \$250 renewal fee every 3 years. Attorneys retained by the owner or apparent owner for the specific purpose of reclaiming

identified property, and Certified Public Accountant firms assisting an apparent owner who is not a natural person (e.g., a corporation or partnership) to comply with the Act, are excluded from the definition of a finder. These entities are not required to be licensed, although CPAs must register with the Treasurer at no cost. Grounds for denying, suspending or revoking a finder's license or a CPA's registration and an appeal process for affected persons or entities are included. Violations of the finder licensing rules may carry civil penalties of up to \$10,000 per violation. The rulemaking also requires further outreach, in addition to currently required due diligence procedures, to locate owners of apparently abandoned non-retirement, long-term, tax-deferred and tax-exempt accounts. The holder of such accounts must, in the 10<sup>th</sup> year following the opening of the account, make at least two attempts to contact the apparent owner if the owner has not indicated an interest in the account within the previous 3 years. If the owner responds, no further action is required; if the owner does not respond or is deceased, the account may be turned over to the Treasurer's Office. Those affected by this rulemaking include attorneys, CPAs and unclaimed property finders.

*Questions/requests for copies/comments through 11/10/25: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217-836-0030, fax 217-782-2777, [SMeek@illinoistreasurer.gov](mailto:SMeek@illinoistreasurer.gov)*

## GAC PROCEDURES

The GUARDIANSHIP AND ADVOCACY COMMISSION proposed amendments to the Part titled Human Rights Authority (59 IAC 310; 49 Ill Reg 11992) updating various procedures of GAC's regional Human Rights Authorities. The rulemaking expands

the list of statutes whose violations can be investigated by regional authorities of the Commission (currently, the Mental Health and Developmental Disabilities Code, MH/DD Confidentiality Act, and Nursing Home Care Act) to include the Mental Health and Developmental Disabilities Administrative Act, the Specialized Living Centers Act, the Juvenile Court Act of 1987, the Unified Code of Corrections, Mental Treatment for Incarcerated Persons Act, and the Youth Mental Health Protection Act. Regional authorities shall consist of no less than 7 and no more than 9 members appointed by the GAC Director (currently, 9 members appointed by the Commission) and the Director, rather than the Commission, has authority to remove members for incompetence, neglect of duty, or malfeasance in office. A majority of appointed members (currently, 5 members) constitutes a quorum. Regional authorities shall hold their annual meeting to elect officers and address other business in the last quarter of the fiscal year (i.e., from April 1 through June 30); if circumstances prevent the annual meeting from taking place during this period, the next scheduled meeting shall become the annual meeting. The rulemaking also aligns regional authorities' meeting notice rules and public comment procedures with the Open Meetings Act, including provisions for members to participate in a meeting by video or audio conference under specified circumstances. Other provisions clarify complaint, investigation and hearing procedures; access to records; public release of reports; confidentiality; and conflicts of interest.

*Questions/requests for copies/comments through 11/10/25: Taneka Jennings, GAC, 160 N. LaSalle St., S-500, Chicago IL 60601, 312-793-5900, [Taneka.Jennings2@illinois.gov](mailto:Taneka.Jennings2@illinois.gov)*

# Adopted Rules

## • DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; proposed at 49 Ill Reg 3483) effective 9/10/25 at 49 Ill Reg 12135, implementing a Federal Motor Carrier Safety Administration exemption allowing states to waive the under-the-hood portion of the pre-trip skills test for persons applying for a school bus and passenger license endorsement. Bus drivers who take advantage of this exemption will be limited to driving only school buses on their CDL and can only drive school buses in Illinois. The rulemaking also removes a requirement (recently removed from federal regulations) that the CDL knowledge test be offered solely in English.

SOS also adopted amendments to School Bus Driver Permit (92 IAC 1035; proposed at 49 Ill Reg 3507) effective 9/10/25 at 49 Ill Reg 12158, broadening the definition of "home state" (previously limited to states neighboring Illinois) to include any state in which a driver has a fixed and permanent residence to which they intend to return. This rulemaking also clarifies that the prohibition against the use of recording devices during road tests does not apply to recording devices (e.g., security cameras) installed on a school bus by the school district or bus company that cannot be removed by the driver. Persons applying for CDLs and school bus driver permits may be affected.

## RULEMAKING PROCESS

SOS also adopted amendments to the Part titled Rulemaking in Illinois (1 IAC 100; proposed at 49 Ill Reg 1241) effective 11/1/25 at 49 Ill Reg 12118, that reflect the requirements of the Illinois Administrative Procedure Act regarding small business impact

analyses for rules proposed by State agencies. Proposed rulemakings filed with SOS for First Notice must indicate whether the rulemaking will impact small businesses, defined as businesses with fewer than 50 full time employees or less than \$4 million in gross annual sales. If small businesses are or could be affected, the analysis must: identify what types of businesses are affected using 2-digit codes from the North American Industry Classification System; estimate how many small businesses will be affected; list the categories of business activity that the rule will affect (e.g., hiring and staffing, purchasing, licensing fees, training); indicate the projected costs for compliance and necessary professional skills required for compliance; state any positive or negative economic effects from the proposed rulemaking; describe any less costly or intrusive method that would achieve the same purpose as the rulemaking; and include any other information that might be helpful to the public regarding the impact of the rulemaking. The form that agencies use to file the small business impact analysis is also updated.

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

## • ILRB PROCEEDINGS

The ILLINOIS LABOR RELATIONS BOARD adopted amendments to General Procedures (80 IAC 1200; proposed at 49 Ill Reg 7266) and Unfair Labor Practice Proceedings (80 IAC 1220; proposed at 49 Ill Reg 7271), both effective 9/10/25 at 49 Ill Reg 12054 and 12059. The Part 1200 rulemaking states that parties to a hearing before ILRB are responsible

for sharing the costs of court reporting when there is no State master contract for court reporting services available to the Board. Also, when parties are responsible for sharing the costs of court reporting, they are also responsible for retaining the court reporter's services. An amendment to Part 1220 clarifies that parties who seek enforcement of a Board order must petition the Board for enforcement, since the Board no longer has a dedicated compliance officer to perform this function in the absence of such a petition. ILRB also has repealed the Part titled Police Officer Decertification Proceedings (80 IAC 1240; proposed at 49 Ill Reg 7276) effective 9/10/25 at 49 Ill Reg 12064, because amendments to the Illinois Police Training Act have transferred these proceedings to the Law Enforcement Training and Standards Board. Those affected by these rulemakings include entities with hearings pending before ILRB.

*Questions/requests for copies of the 3 ILRB rulemakings: Anna Hamburg-Gal, ILRB, 160 N. LaSalle St., Ste. 400, Chicago IL 60601, 312-793-6380, [Anna.Hamburg-Gal@Illinois.gov](mailto:Anna.Hamburg-Gal@Illinois.gov)*

## INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; proposed at 49 Ill Reg 7503) effective 9/12/25 at 49 Ill Reg 12066, implementing PA 103-592, which changes the apportionment method for investment income of financial organizations for tax years ending on or after 12/31/24. This rulemaking also defines a small loan company as an entity licensed under the Consumer Installment Loan Act to make loans of no more than \$40,000 (previously, \$25,000) for terms of no

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# Adopted Rules

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more than 181 (formerly 121) months, and updates other references and citations.

*Questions/requests for copies: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, [REV.GCO@illinois.gov](mailto:REV.GCO@illinois.gov)*

## STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM adopted amendments to The

Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; proposed at 49 Ill Reg 6855) effective 9/10/25 at 49 Ill Reg 12173, clarifying that: interest for death benefits accrues only up to the end of the most recently concluded fiscal year prior to a member's death (not to or beyond the date of death); release of a termination refund payment will be determined by the date the member separated from service or the date SERS received the member's refund application, whichever is later; and if SERS is holding an anticipated payment for an alternate payee under a Qualified

Illinois Domestic Relations Order (QILDRO) while awaiting a valid QILDRO Calculation Order, the payment shall be issued to the alternate payee once the calculation order arrives, without adjustment unless a court order decrees otherwise.

*Questions/requests for copies: 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)*

## Second Notices

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 October 14, 2025 meeting in Springfield. 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).

### STATE BOARD OF EDUCATION

Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 IAC 100; 49 Ill Reg 7107) proposed 5/23/25

### DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Collection Agency Act (38 IAC 150; 49 Ill Reg 9692) proposed 7/25/25

Consumer Legal Funding Act (38 IAC 170; 49 Ill Reg 3743) proposed 3/28/25

Uniform Money Transmission Modernization Act (38 IAC 207; 49 Ill Reg 9306) proposed 7/18/25

Licensing and Regulation of Pawnbrokers (38 IAC 360; 49 Ill Reg 9311) proposed 7/18/25

### DEPT OF HUMAN SERVICES

Early Intervention Program (89 IAC 500; 49 Ill Reg 8044) proposed 6/13/25

### DEPT OF PUBLIC HEALTH

Hospital Licensing Requirements (77 IAC 250; 49 Ill Reg 8063) proposed 6/13/25

### DEPT OF TRANSPORTATION

Administrative Requirements for Official Testing Stations (92 IAC 451; 49 Ill Reg 8127) proposed 6/13/25

**Next JCAR Meeting: Tuesday, Oct. 14, 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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