

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

▪ MORTGAGE LOANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Residential Mortgage License Act of 1987 (38 IAC 1050; 49 Ill Reg 10373) implementing Public Act 103-1015, effective 1/1/25. This rulemaking establishes requirements for "shared appreciation" mortgages in which the borrower agrees to share a portion of any appreciation in the home's value with the lender at the time the final payment is made, in return for the lender charging a below-market interest rate. The rulemaking adds a new Subpart addressing shared appreciation agreements, including expanding the definition of a mortgage loan to include shared appreciation agreements; defines terms specific to shared appreciation agreements; establishes disclosure and counseling requirements for shared appreciation agreements and the process for

calculating property value under such agreements; addresses a lender's consideration of a borrower's ability to repay in the context of a shared appreciation agreement; and prescribes the form of the required disclosure to the borrower. Mortgage lenders that offer shared appreciation agreements are affected by this rulemaking.

**JCAR Meeting Action, Page 3
Adopted Rules, Page 4
No Second Notices This Week**

*Questions/requests for
copies/comments through 9/29/25:
Craig Cellini, DFPR, 320 W.
Washington St., 2nd Floor, Springfield
IL 62786, 217-785-0810, fax 217-557-
4451, Craig.cellini@illinois.gov*

▪ VOTER REGISTRATION

The STATE BOARD OF ELECTIONS proposed a new Part titled

Certification of Computer-Based Voter Registration Systems (26 IAC 410; 49 Ill Reg 10328) establishing rules for certification of vendors contracted by local election authorities to manage voter registration data and for access to and use of statewide databases and resources by those vendors. A computer-based voter registration system, in order to be certified by SBEL, must securely transmit required data in the manner prescribed by the certification standards; must be capable of securely connecting to the Illinois Century Network; and must meet minimum security standards, including mandatory use of multi-factor authentication. Election authorities using new systems not previously certified for use by any other election authority must notify SBEL at least 180 days prior to the election in which the new system will first be used. SBEL staff will assess the system and grant it access to the state-

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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

(cont. from page 1)

wide database once the Board has approved it. At each Board meeting immediately prior to a consolidated, primary, or general election, the Board may allow election authorities that have not yet completed the certification process to use their new registration systems on a temporary basis, with access granted to the statewide database for up to 60 days after election results are finalized, if the Board determines such use is in the public interest. If an election authority chooses a system that SBEL has previously certified for use elsewhere, the Board will use a shorter certification process that simply verifies whether the transmitted data meets the same requirements as data previously used by other election authorities. Certification will not be required unless the signature capture or storage method has been changed. Recertification of systems currently in use will be required on or before 12/31/27 and every 2 years thereafter, or within 90 days after any material change that affects certification standards. Election

authorities and vendors must notify SBEL within 5 business days of any security breach that exposes voter registration data, and within 30 days of any material change in the functionality, capability or operation of a system. If there is an immediate threat to the security of voter registration data, SBEL may revoke system access to the statewide database without notice. Failure to follow the procedures outlined in this Part may prompt the Board to decertify a voter registration system and revoke its access to the statewide database. SBEL may also publish on its website blackout periods during the year when the certification standards verification process will not be conducted outside of extraordinary circumstances. Election authorities, including counties and municipalities, that use computer-based voter registration systems are affected.

*Questions/requests for
copies/comments through 9/29/25: H.
Poyer, SBEL, 2329 S. MacArthur Blvd.,
Springfield IL 62704, 217-782-4141,
GeneralCounsel@elections.il.gov*

▪ WITNESS PROTECTION

The ILLINOIS CRIMINAL JUSTICE
INFORMATION AUTHORITY proposed
amendments to the Part titled Violent

Crime Witness Protection Program (20 IAC 1590; 49 Ill Reg 10315) that remove the Office of the Attorney General as a participating entity in the program; expand the definition of an "appropriate related person" to a crime victim or witness to include siblings, spouses, domestic partners and grandparents (in addition to parents, guardians and children); define a local law enforcement agency in accordance with the Illinois Police Training Act; allow grants or reimbursement to program participants to be spent on administrative costs; and clarify that financial assistance from the program is available to State's Attorney's offices only if they do not already have a violent crime witness protection program. Counties, municipalities, and their State's Attorney offices or police departments may be affected.

*Questions/requests for
copies/comments through 9/29/25:
Scott Rislute, ICJIA, 60 E. Van Buren
St., Suite 650, Chicago IL 60605, 312-
793-8643, fax 312-793-8422,
Scott.Rislute@illinois.gov*

JCAR Meeting Action

At its August 13, 2025 meeting, the Joint Committee on Administrative Rules took the following actions. Proposed rulemakings not listed below received No Objection and may now be adopted by their agencies. Emergency or peremptory rules not acted upon at this meeting may be reconsidered at future meetings.

OBJECTION

JCAR objected to the Illinois Emergency Management Agency and Office of Homeland Security's emergency rulemaking titled Political Subdivision Emergency Services and Disaster Agencies (29 IAC 301; 49 Ill Reg 9116) because the Agency has not met the criteria of 1 IAC 230.400(a)(1)(C), which requires the emergency situation that necessitates the emergency rule to have arisen through no fault of the agency. The Agency has been working on amendments to this Part since August 2021 and had ample time to extend the accreditation deadlines contained in this emergency rule through the proposed rulemaking process.

RECOMMENDATION

With respect to the State Board of Elections' rulemaking titled Automatic Voter Registration (26 IAC 300; 49 Ill Reg 3834), JCAR recommended that the Board be more timely in implementing Public Acts. Public Act 100-464 required the Board to adopt rules to implement the automatic voter registration program and to implement the Public Act no later than July 1, 2018.

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 September 16 JCAR meeting.

Illinois Commerce Commission, Certification for New Utility-Scale Solar Installers (83 IAC 461; 48 Ill Reg 17669), Certification for Energy Efficiency Installers (83 IAC 462; 48 Ill Reg 17674), Distributed Generation Installer Certification (83 IAC 468; 48 Ill Reg 17679), and Certification for the Installation, Maintenance or Repair of Electric Vehicle Charging Stations (83 IAC 469; 48 Ill Reg 17684)

Department of Human Services, Recipient's Property (59 IAC 110; 49 Ill Reg 5613)

Secretary of State, Issuance of Licenses (92 IAC 1030; 49 Ill Reg 5916)

NO ACTION

JCAR took no action on the Department of Financial and Professional Regulation rulemaking titled The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (68 IAC 1175; 49 Ill Reg 1664). This rulemaking is on extended Second Notice and will be considered again at the September 16 JCAR meeting.

Adopted Rules

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Assistance Programs (89 IAC 120; proposed at 49 Ill Reg 2395) effective 7/29/25 at 49 Ill Reg 10402, implementing a change in federal Medicaid rules. The rulemaking removes a requirement that Medicaid customers and applicants also apply for other benefits available to them (e.g., pensions, annuities, retirement funds, disability) as a condition of Medicaid eligibility.

Questions/requests for copies: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

• FORESTRY

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled Forestry Development Cost-Share Program (17 IAC 1536; proposed at 49 Ill Reg 2868) effective 7/31/25 at 49 Ill Reg 10446, updating several programmatic details and increasing cost-share rates to current values. The rulemaking clarifies that DNR may approve advance payment to a timber grower who has paid a vendor to complete a cost-share conservation practice if the practice is identified as a "priority practice" and the DNR Forester has verified its completion. Advance payments before a practice has been completed are not allowed. Cost-share payments for practices that cover less than an acre are permitted only if specifically approved by the State Forestry Development Act (FDA) Program Manager. Cost-share practice approvals for timber growers will be based on available funding allocated to each forestry district, and applications will be accepted on a

quarterly basis only during January, April, July and October. Timber growers who have paid a timber harvest fee within two State fiscal years prior to approval of a conservation practice will receive priority in the application process. A timber grower must begin work on an approved cost-share practice within 6 months of approval (DNR may grant up to two 6-month extensions for good cause) or else the approval will be terminated and funds allocated to another grower. Flat rates and base costs for the following practices are also updated: development of forest management plans, planting trees or direct seeding, fencing to protect trees from livestock, timber stand improvement, pruning hardwood crop trees, creating firebreaks, erecting tree shelters or other measures to protect trees against damage by wildlife, installation of culverts, control of invasive/exotic species, and site preparation for natural regeneration (which may include prescribed burns). If the DNR Forester denies approval of a conservation practice, the grower may appeal directly to DNR (previously, to a regional review committee) and DNR has 60 (formerly 30) days after receiving the appeal to render a final decision. Finally, if a grower breaks the cost-share agreement with DNR and is obligated to repay cost-share monies, repayment must be made within 30 days after receiving notice from DNR. Since 1st Notice, DNR has updated the incorporated versions of forestry best management practices and made other clarifying changes. Timber growers and other land owners participating in the DNR Forestry Program are affected.

• ENDANGERED HERPTILES

DNR also adopted amendments to Herptile Code (17 IAC 885; proposed

at 48 Ill Reg 11437) effective 7/31/25 at 49 Ill Reg 10413, that establish the Herptile Endangered Threatened Propagation (HETP) Permit for the purpose of propagating threatened or endangered species of herptiles (amphibians, reptiles, and any species, subspecies or hybrid thereof). Persons applying for HETP permits must provide proof of origin of any endangered/threatened herptiles that are being propagated, sold, or offered for sale, and must not sell any herptiles to a person who does not hold a current HETP permit or other DNR endangered/threatened species possession permit. Records of such sales must be kept for at least 2 years. Permits must be renewed and annual reports of permit-related activity filed annually by January 31. Any hybrid or morphological variation of an endangered/threatened herptile species (e.g., corn snakes, rat snakes) shall also be treated as an endangered/threatened species for purposes of this Part. Other provisions permit medically significant species of venomous or poisonous frogs and toads to be kept for research purposes by bona fide educational or scientific institutions only; update seasons, possession limits, and methods of taking bullfrogs and snapping turtles; and require any person who is employed by or under control of a permit applicant and assisting the applicant in permit-related activities to be listed on the permit application. Changes since 1st Notice include adding, revising and removing various definitions; clarifying that persons who hold propagation permits are exempt from possession limits that apply to permits for possession only; and replacing hardcopy permit applications with online applications available at the DNR website. Those affected by this

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Adopted Rules

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rulemaking include zoos, conservation and research facilities, and persons who breed or sell herptiles.

Questions/requests for copies of the 2 DNR rulemakings: John Fischer, DNR, One Natural Resources Way,

Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

▪ SOCIAL WORKERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted an amendment to the Part titled Clinical Social Work and Social Work Practice Act (68 IAC 1470; proposed at 49 Ill Reg 2824) effective 8/4/25 at 49 Ill Reg 10386 that adds federal

agencies to the list of approved continuing education sponsors. Social workers and their continuing education providers are affected.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax: 217-557-4451, Craig.Cellini@illinois.gov

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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