

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

▪ TAX AMNESTY

The DEPARTMENT OF REVENUE proposed amendments to Amnesty Regulations (86 IAC 520; 49 Ill Reg 10717) implementing Public Act 104-6 by establishing a tax amnesty period from Oct. 1 through Nov. 17, 2025. During this period, taxpayers with unpaid tax liabilities from tax periods ending after 6/30/18 and before 7/1/24 may pay off these liabilities and DOR will waive any interest or penalties due. The amnesty period applies to all forms of State tax other than motor fuel taxes, but does not apply to interest and penalties due on tax liabilities already paid. The rulemaking also includes explanations and examples regarding amnesty for tax liabilities covering multiple periods, or that are the subject of civil litigation, administrative appeals, audits or resolution proceedings. Those affected by this rulemaking include businesses with unpaid

income, sales or use tax liabilities for the designated tax periods.

Questions/requests for copies/comments through 10/6/25: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-524-4821, REV.GCO@illinois.gov

**Emergency Rule, Page 2
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No Second Notices This Week**

▪ CHILD CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed repeal of the Part titled Facilities and Programs Exempt from Licensure (89 IAC 377; 49 Ill Reg 10513) and proposed a new Part with the same name, Title and Part number (89 IAC 377; 49 Ill Reg 10526). The new Part includes updated criteria and requirements for child care facilities and programs that are not required to have a day care

license from DCFS. Exempt facilities must provide care only to children age 3 and older and include:

- Preschool programs operated by public or private elementary schools, secondary schools or institutions of higher learning.
- Preschool programs or portions of programs recognized by the State Board of Education.
- Programs operated by a school registered with SBE and recognized or accredited by a national or multi-state educational organization (e.g., Montessori schools).
- Programs or portions of programs serving children/youth with disabilities under age 21, registered and approved by SBE and meeting State Fire Marshal standards.
- Programs providing primarily religious education as part of the

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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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instructional program of a parochial or church-operated elementary school that receives no government assistance and meets State and local life/safety, fire and health standards. When requesting DCFS licensure exemption, the program must submit a copy of its SBE registration and proof of recognition or accreditation by the applicable oversight entity (e.g., diocesan Office of Catholic Schools, National Lutheran Schools Association).

- Facilities operated by retail establishments, places of worship, or other establishments to provide temporary child care while parents or other custodians of children are on the premises and readily available (e.g., church nurseries, "child watch" services).
- Day care centers on federal government premises.
- Day care facilities located on military bases or other government property, serving children of military personnel and certified by the Department of Defense or U.S. Coast Guard.
- Part-day child care facilities that operate no more than 10 hours in a 7-day week and no more than 8 hours in any single day. These facilities must notify DCFS of the hours and days they operate, provide at least one caregiver per 20 children, and comply with State and local fire, life/safety and health standards.
- Programs serving only school-age children outside of school hours or on days school is not in session. These programs must comply with State and local fire, health and safety standards; have emergency

Emergency Rule

CRISIS HOUSING ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to the Part titled Crisis Assistance (89 IAC 116; 49 Ill Reg 10853) effective 8/7/25 for a maximum of 150 days. Companion proposed amendments appear in this week's *Illinois Register* at 49 Ill Reg 10703. The emergency and proposed rules implement Public Act 104-2 by increasing the emergency shelter allowance for households receiving Temporary Assistance to Needy Families (TANF) to \$1,250 per month for up to 4 months (previously, \$250 toward one month's rent) and stating that assistance to TANF recipients who are victims of domestic violence is not contingent upon their having fled the abusive living situation. These rulemakings also require that TANF clients be notified of crisis housing assistance availability when the client is homeless or at imminent risk of becoming homeless, or the client is a victim of domestic violence who is TANF eligible and has a good cause waiver from one or more TANF requirements, so long as funds are available. The proposed rulemaking additionally clarifies that housing assistance may be provided to TANF families facing eviction for reasons other than non-payment of rent (currently, any reason), unless the non-payment is due to a documented theft or documented loss of cash, in which case the family may receive assistance up to the amount of money that was stolen or lost, but not to exceed the family's regular monthly payment level.

Questions/requests for copies/comments on the proposed rulemaking through 10/6/25: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Bldg., 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

preparedness plans and conduct preparedness drills; maintain adequate liability insurance; not allow firearms on the premises; conduct background checks on employees and volunteers; maintain emergency contact numbers and medical care authorizations for each child enrolled; and notify parents/guardians that the program is exempt from DCFS licensure. These programs, once determined to be license-exempt, may receive Child Care Assistance Program (CCAP) funding if they meet CCAP requirements.

- Special activities run by civic, charitable or governmental organizations on an organized and

periodic basis, including park district programs. However, summer camps that operate during school hours Monday through Friday and offer different themes or activities each week for 8-12 consecutive weeks are subject to DCFS licensure.

- Family homes that care for no more than 3 children under age 12, including the caregiver's own children, or that care only for children from a single household. (For example, a caregiver could care for 3 siblings from another family in addition to the caregiver's own 2 children and still be license exempt.)

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Proposed Rulemakings

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A program claiming or requesting license exemption shall not have been involved in any DCFS licensing enforcement proceedings within the past 5 years that resulted in revocation or refusal to renew a license, an administrative order to close, or surrender of a license while under investigation. If any of these actions occurred more than 5 years previously, DCFS shall evaluate the exemption request on a case-by-case basis. Those affected by this rulemaking include businesses that provide child care on their premises; non-profit organizations, including churches and private schools; and units of local government that provide activities, camps or other programs for children and youth.

• CHILD WELFARE AGENCIES

DCFS proposed amendments to Licensing Standards for Child Welfare Agencies (89 IAC 401; 49 Ill Reg 10562) that update and add various definitions, including "adoption-only home" (a home in which a child is placed directly by an adoption agency for the sole purpose of adoption and is not a foster home) and "host home" (a short term foster home for youth in crisis) and a definition of "background check" that specifies the contents of background checks for child welfare agencies and congregate facilities.

Adoption-Only Homes

An adoption-only home, in addition to meeting requirements specified in the Child Care Act of 1969, must also undergo a home study; obtain criminal background checks for all household members age 18 and older and child abuse background checks for household members age 13 and older;

be assessed for health, safety, finances, and character references; receive adoption education and training; and undergo pre-placement home visits and post-placement supervision. An adoption-only home shall not be approved if any adult household member has a felony conviction for homicide, rape or sexual assault or any crime against a child; or has been convicted of any felony within the previous 5 years. If there is a record of other convictions, the placing agency must thoroughly investigate the circumstances of the offense and its relevance to ability to care for children before approving an adoption placement.

Transportation

With regard to transportation services, drivers employed by child welfare agencies must attest that they have a valid driver's license, no record of offenses requiring revocation of a driver's license, will maintain their vehicle properly, can properly install and maintain child restraints, and agree to a fingerprint-based background check. Drivers must also be able to communicate with parents, foster parents, or guardians of the children they transport. Requirements for child restraints in vehicles apply to children age 8 (currently 4) and younger.

Other

The definition of "child", for purposes of this Part, is expanded to include youth under 21 residing in child care institutions, group homes, and maternity centers. The rulemaking also updates statutory and non-statutory language throughout; adds grounds for revoking or refusing to renew a child welfare agency's facility license; requires child welfare workers to comply with the personnel licensing rules in 89 IAC 412; and requires child welfare agencies to conduct exit interviews with every child age 5 or older who is removed from a foster

home within 5 days of the child's removal, unless clinically contraindicated. The interview must promptly report any instance of abuse or neglect or potential licensing violation disclosed by the child during the interview. Non-profit child welfare agencies are affected.

HAIRCARE

DCFS proposed amendments to Placement and Visitation Services (89 IAC 301; 49 Ill Reg 10476) and Foster Parent Code (89 IAC 340; 49 Ill Reg 10491) implementing Public Act 103-850, which requires DCFS caseworkers to develop hair care plans for foster children and other youth in its care, and PA 103-1061, the Kinship in Demand (KIND) Act. These amendments define "haircare" as all care and practices related to the maintenance, health, and expression of hair, including but not limited to daily maintenance routines and culturally specific practices (e.g., braids, dreadlocks) reflecting and respecting the diverse identities of youth in care. The Part 340 rulemaking also establishes the foster parents' right to receive timely training regarding haircare for youth in their care, and their responsibility to provide haircare that respects each youth's desired connection to their race, culture, gender, religion and/or identity. Both rulemakings also add and update various definitions related to the KIND Act and remove definitions that are obsolete or not used in the relevant Parts.

Questions/requests for copies/comments on the 5 DCFS rulemakings through 10/6/25: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

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Proposed Rulemakings

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▪ RECORDED MUSIC

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed a new Part titled Music and Musicians Tax Credit and Jobs Program Act (14 IAC 533; 49 Ill Reg 10675) implementing Public Act 103-592. The PA and the new Part establish a tax credit program for qualified music companies (QMCs) that are authorized to do business in Illinois and engage directly or indirectly in the production, distribution, or promotion of recorded music. A sound recording production or series of productions, including master and demonstration recordings, that occurs over the course of a calendar year and whose production-related expenses and investments are approved by DCEO will qualify for the credit as a State-certified production. Sound recordings may consist of music, poetry or spoken-word performances. The base credit is equal to 10% or 15% of each production's approved Illinois labor expenditures, depending on the size of the production payroll. Additional credits may be awarded for labor expenditures made to employees who live in areas of high poverty or unemployment, or are being paid at or above the prevailing hourly wage; for post-production sound recordings for television or film work completed in Illinois; and for recordings of works with a copyright owned by an Illinois resident individual or music company (resident copyright). The maximum annual credit for any single QMC is \$200,000 and no more than \$2 million in credits may be awarded per calendar year. Criteria for certification as a QMC include economic soundness; submission of a diversity plan;

participation in training, education and recruitment programs in cooperation with Illinois colleges and universities, labor organizations, and the music industry; and evidence that the tax credit award will positively impact the State. QMCs must apply for tax credits no later than Dec. 15 of the calendar year for which tax credits are sought and must request their tax-credit certificates no later than Feb. 1 of the following year. QMCs must also enter into tax credit agreements with DCEO after being certified and before receiving tax credits. QMCs must submit to DCEO the number of jobs created or retained for entry level, management, vendor and production positions; production costs, including vendor expenditures for catering, dry cleaning, janitorial services, security, transportation and other expenses; and a narrative description of the production's positive economic impact on Illinois vendors, talent and workforce development. QMCs must also indicate how many minorities, women and/or persons with disabilities were hired for each type of position; what efforts were made to contact Business Enterprise Program-certified vendors or colleges/universities with diverse student bodies; and describing good faith efforts made to meet diversity goals if those goals were not met. Musicians, recording studios, and others who work in recorded music production are affected.

▪ THEATER PRODUCTIONS

DCEO also proposed amendments to the Part titled Illinois Live Theater Production Tax Credit (14 IAC 532; 49 Ill Reg 10655) implementing statutory changes that added commercial Broadway touring shows and non-profit theater productions to the list of qualified productions eligible for tax credits. To qualify for the credit, a commercial Broadway touring show must be performed in a qualified

production facility, play in at least 3 North American markets outside Illinois within 12 months of its presentation in Illinois, and have at least \$100,000 in Illinois production expenses. A non-profit theater production must be a live stage production at least 75 minutes long with a written script; be produced by a 501(c)(3) non-profit registered in Illinois for at least 5 years; and must have a minimum annual operating budget of at least \$25,000 with at least \$10,000 in Illinois production spending. A qualified production facility for a non-profit theater production must have 50 or more seats (1,200 seats for all other productions). Total credits for commercial Broadway touring shows and non-profit theater productions cannot exceed \$2 million per each type of production per fiscal year. The maximum credit for a non-profit theater production varies based on the annual operating budget of the production. Non-profit organizations that present live theater productions are affected by this rulemaking.

Questions/requests for copies/comments on the 2 DCEO rulemakings through 10/6/25: Gina Arterberry, DCEO, 1011 S. Second St., Springfield IL 62704-3004, 217-524-8974, Gina.M.Arterberry@Illinois.gov

▪ HOUSING ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES proposed amendments to the Part titled Administration of Social Service Programs (89 IAC 130; 49 Ill Reg 10711) removing a requirement that service providers for DHS-funded Emergency, Transitional and Supportive Housing programs for homeless persons match State funds with cash or in-kind contributions (e.g., volunteer services) equal to 25% of the cost of the funded program.

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Proposed Rulemakings

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Non-profit organizations that receive DHS funds for these programs are affected.

*Questions/requests for
copies/comments through 10/6/25:
Tracie Drew, DHS, 100 S. Grand Ave.
East, Harris Bldg., 3rd Floor, Springfield*

IL 62762, 217-785-9772,
DHS.AdministrativeRules@illinois.gov

SURS TRUSTEES

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed an amendment to Universities Retirement (80 IAC 1600; 49 Ill Reg 10742) incorporating updates to the Open Meetings Act as it applies to the SURS Board of Trustees. The rulemaking adds unexpected childcare obligations and other statutorily permissible reasons

to the list of permissible reasons for remote participation in a Board meeting, and requires members of the public who intend to address the Board during a meeting to give written notice of their intent at least 24 (currently 48) hours before the meeting.

*Questions/requests for
copies/comments through 10/6/25:
Albert J. Lee, SURS, 1901 Fox Drive,
Champaign IL 61820, 217-378-8861,
alee@surs.org*

Adopted Rules

▪ SALES TAX DISCOUNTS

The DEPARTMENT OF REVENUE adopted amendments to the Parts titled Rental Purchase Agreement Occupation and Use Tax (86 IAC 125; proposed at 49 Ill Reg 315, adopted at 49 Ill Reg 10759), Retailers' Occupation Tax (86 IAC 130; proposed at 49 Ill Reg 322, adopted at 49 Ill Reg 10765), Leveling the Playing Field for Illinois Retail Act (86 IAC 131; proposed at 49 Ill Reg 351, adopted at 49 Ill Reg 10794), Service Occupation Tax (86 IAC 140; proposed at 49 Ill Reg 363, adopted at 49 Ill Reg 10805), Use Tax (86 IAC 150; proposed at 49 Ill Reg 374, adopted at 49 Ill Reg 10815), Service Use Tax (86 IAC 160; proposed at 49 Ill Reg 384, adopted at 49 Ill Reg 10825), Automobile Renting Occupation Tax (86 IAC 180; proposed at 49 Ill Reg 391, adopted at 49 Ill Reg 10832), County Motor Fuel Tax (86 IAC 695; proposed at 49 Ill Reg 398,

adopted at 49 Ill Reg 10838) and Municipal Motor Fuel Tax (86 IAC 696; proposed at 49 Ill Reg 402, adopted at 49 Ill Reg 10842), all effective 8/8/25. These rulemakings implement provisions of Public Act 103-592 that impose a \$1,000-per-month cap, effective 1/1/25, on the vendor's discount merchants may claim, when remitting these taxes to the Department, as reimbursement for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. These rulemakings also specify the forms on which the discount is capped. Businesses that sell or rent affected items or services are affected.

ELECTRONIC SIGNATURES

DOR also proposed an amendment to Electronic Filing of Returns or Other Documents (86 IAC 760; 49 Ill Reg

3872) effective 8/11/25 at 49 Ill Reg 10846, setting forth the electronic signature methods DOR may require taxpayers to use on returns, forms, and other documents for which law, rule or Department policy requires electronic filing. The rulemaking also identifies the types of electronic signatures DOR will accept when electronic filing is optional and explains the procedure taxpayers must follow when using an electronic signature that is not permitted by rule and not approved by the Department.

Questions/requests for copies of the 10 DOR rulemakings: Parts 125 through 696, Samuel J. Moore (217-782-7055); Part 760, Thomas Grudichak (217-524-2821); DOR, 101 W. Jefferson St., Springfield IL 62794, REV.GCO@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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