

# **ILHIC Legislative Committee Update**

**April 30, 2020**

## **New Stay at Home Order Extended & Litigation Update**

The Governor is expected to officially file a new Executive Order today extending the state's Stay at Home Order through May 30. As noted last week, the new order provides for some modifications, including allowing some limited re-opening of outdoor recreational facilities, including golf facilities and state parks, as well as pet grooming services. Healthcare providers will also be able to begin phasing in elective procedures and the order requires face masks be worn at essential businesses and when social distancing is not feasible.

The IL Department of Public Health and the IL Department of Commerce and Economic Opportunity are also expected to update their guidance to incorporate the modified executive order and other updates that may begin to move the state towards a phased-in re-opening once the new order expires.

## **Lawsuits Challenging the Order**

The Administration is currently navigating two lawsuits filed by two different Republican lawmakers that seek to challenge the Governor's authority to extend the order beyond the initial 30-day emergency declaration period.

The first lawsuit was filed by Republican Representative Darren Bailey on April 23- the day the Governor announced his intention to extend the stay-at-home order through the end of May. The lawsuit only sought a personal exemption for Representative Bailey from the lawsuit. A judge in southern IL ruled in favor of Representative Bailey on Monday and the Administration filed an appeal yesterday with the appellate and state Supreme Courts.

Republican Representative John Cabello also filed a lawsuit yesterday seeking relief from the order for the entire state of IL. A court hearing on this lawsuit has been scheduled for Monday and the Administration has already vowed to similarly appeal any favorable ruling for the plaintiff with the appellate and state Supreme Courts.

In the meantime, the new executive order remains in place.

## **(No) Legislative Session Update**

The General Assembly still has not announced definitive plans to return to Springfield, although House and Senate Republican Leaders have publicly called for a return to legislative session so that lawmakers can help the state navigate the pandemic response. Both leaders have distanced themselves from the pending litigation and reiterated their belief that the modified stay-at-home order is an appropriate approach, but they are still pushing for more legislative input in the state's response.

The Senate and House working groups continue to meet in the interim, but again, those meetings are not open to the public or stakeholder input. There have not been any official committee hearings scheduled either, which would allow for public input and would be subject to the Open Meetings Act.

As noted earlier this week, the Illinois Workers' Compensation Commission officially withdrew emergency rules creating a rebuttable presumption that any essential worker who contracts COVID-19 contracted the virus while at their place of employment. The Commission withdrew the rule after a judge granted a TRO on April 23. The

Commission's withdrawal also came with a warning that the matter would be taken up with the Legislature after business groups argued the emergency rule exceeded existing statutory authority.

### **IL DOI Proposed Rule – Life & Health Policy Filing Requirements**

The IL DOI filed a proposed rule, published in the April 24 Register, that as introduced, requires life and health insurers to file a complete policy form and prohibits submission of matrix pages, insert pages, and forms in modular format.

The [Notice of Proposed Rule](#) begins on pg. 6211 of the register and the text of the proposed rule begins on pg. 6213.

The scope of the underlying rule applies to life, annuity, accident and health insurance policies and provides for no explicit exemption for excepted benefit policies.

ILHIC has received some preliminary feedback signaling concerns with the proposed rule, so we encourage members to review the proposed rule and send any comments and concerns to the Council. We will explore filing comments, which are due to the Department by June 1.

### **ILHIC Website to Go Live Next Week!**

Members should receive communication early next week directing them to the new ILHIC.com website and providing instructions on setting up a member-only access account, so stay tuned for the exciting reveal!

### **UPCOMING MEETINGS/IMPORTANT DATES:**

May 7 – Committee Deadline (Extension)

May 15 – Third Reading Deadline (bill crossover deadline)

May 31 – Scheduled Adjournment Date

***June 8-10 – ILHIC Annual Meeting – Lake Geneva - POSTPONED***

November 3, 2020 – General Election Day