



ILLINOIS CHAMBER

GOVERNMENT AFFAIRS

Report

March 19, 2021

This Week in Illinois

Session Update

Both the Senate and the House were back in Springfield this week for session. The Senate returned for two days while the House only returned on Thursday, the 18th for a marathon session. Both chambers once again conducted committee hearings through the virtual platform at ilga.gov.

Next week, the Senate is scheduled to return on Tuesday, March 23rd. However, the House does not have any further session dates scheduled at this time. There is speculation that the House will return at some point in mid-April after the legislative spring break.

Prejudgement Interest Bill Passes the House

Late Thursday night, [SB 72](#), a bill that establishes prejudgment interest in Illinois passed the House by a vote of 67-40-0. This bill was amended with HFA2, and does the following:

- Provides for pre-judgment interest in personal injury and wrongful death cases

- Interest shall begin to accrue at 6% rate when the case is filed (HB 3360 interest began at notice of the injury. Prior versions were at 9 and 7 percent)
- Interest does not apply to punitive damages, sanctions, statutory attorney's fees and statutory costs (prior versions applied to everything)
- If the judgment is greater than the amount of the highest written settlement offer made by the defendant, interest shall only apply to the difference between the amount of judgment and the settlement offer\
- Prejudgment interest capped at 5 years (no cap in previous versions of the bill)

It should be noted that the Governor has not yet made a determination on HB 3360 which, amongst other things, also created prejudgment interest at a higher interest rate. This bill applies regardless of the Governor's veto or signature of [HB 3360](#) (the prior amendment only applied with the Governor signing [HB 3360](#)). While this legislation is less egregious than HB3360, which was passed during the lame duck session in January, it still creates a new financial strain on businesses that currently does exist not exist in the statutes. **The Chamber is opposed to this bill.**

Representative Thapedi Resigns

Representative Andre Thapedi (D-Chicago) resigned on Thursday afternoon after representing the city of Chicago for over 12 years. The Chamber thanks Rep. Thapedi for his years of service to his constituents and this state.

Most recently, Representative Thapedi was an ally in reforming Illinois' broken BIPA law. Thapedi was Chairman of the House Judiciary-Civil Committee where [HB559](#) was heard last week. [HB 559](#) passed out of committee with bipartisan support. In the committee, Representative Jennifer Gong-Gershowitz will now serve as Chairperson.

The Representative had originally announced his intention to resign at the end of January.

Phase 5 Coming Soon?

On Thursday, Governor Pritzker [announced](#) the creation of a "bridge" phase that brings Illinois closer to Phase 5 and full reopening of the economy. When Illinois does enter the bridge phase, the state will no longer be divided by mitigation regions. The bridge phase will allow for higher capacity limits and increased operations and services for businesses.

Illinois will be eligible to enter the bridge phase when 70 percent of seniors 65 years and older have received their vaccine, 20 percent of ICU beds are available,

and the various metrics on morality and case rates remain even. Increases in hospitalization numbers or case/mortality rates could lead to Illinois reentering Phase 4.

Legislation to Watch:

- [HB 62](#), **Healthcare for All** was placed on the House Calendar for second reading. This bill provides that all individuals residing in this State are covered under the Illinois Health Services Program for health insurance. Provides that it is unlawful for private health insurers to sell health insurance coverage that duplicates the coverage of the program. Requires the State to establish the Illinois Health Services Trust to provide financing for the program. The Chamber opposes this legislation as we anticipate healthcare reforms will become an active policy issue in 2021.
- [HB 375](#), **Public Universities** passed out of the Higher Education Committee by a vote of 7-3-0. This bill requires that at least 60 days before the start of a term the governing board of a public university or community college district to notify an adjunct professor about whether a class he or she was hired to teach has been canceled.
- [HB 1839](#), **Good Corporate Citizen**, passed out of the House State Government Administration Committee by a vote of 5-3-0. This bill Provides that the Department of Commerce and Economic Opportunity may require a business organization to agree to certain terms that ensure the business is a good corporate citizen as a condition for receiving development assistance. Provides that a business that cannot truthfully agree to any required terms shall be ineligible for the development assistance. Provides that the Department may seek revocation of any credits or exemptions that were earned or used during a time when the business or its corporate parent or affiliate was not in compliance with any applicable requirements. The Sponsor did say this legislation would be held on second reading for various changes and clarifications. The Chamber opposes this legislation.
- [HB 2571](#), **COVID-19 Liability Protection** failed to advance in the House Judiciary-Civil Committee by a vote of 6-10-0. This bill provides that an individual, business, or unit of local government shall not be liable in a civil action claiming an injury from exposure or potential exposure to COVID-19 if the act or omission alleged to violate a duty of care of the individual, business, or unit of local government was in compliance or consistent with federal or State

regulations, a presidential or gubernatorial executive order, or guidance applicable at the time of the alleged exposure. Provides that immunity does not apply to willful misconduct, reckless infliction of harm, or intentional infliction of harm. While this legislation failed to advance, the Chamber continues to support other COVID-19 liability protection with [HB 3003](#) and [HB 1830](#).

- [HB 2640](#), **Renewable Energy** was placed on the House calendar for second reading. This bill Provides that a business that intends to establish a new utility-scale solar power facility may apply for a high impact business designation. Amends the Illinois Power Agency Act. Increases the long-term renewable procurement plan goals after the 2025 delivery year. Requires the long-term renewable procurement plan to include the procurement of new renewable energy credits. Provides that the Adjustable Block program shall be designed to be continuously open. Authorizes utilities to recover certain costs related to the Adjustable Block program. Excludes certain costs from a limitation on the costs of the Adjustable Block program. Requires the Agency to include a plan to procure energy from energy storage resources as part of its procurement plan for 2021.
- [HB 2649](#), **Coverage Mandate** passed out of the House Insurance Committee by a vote of 12-7-0 yesterday. This bill concerns coverage for the reasonable and necessary medical treatment of temporomandibular joint disorder and craniomandibular disorder, provides that on or after the effective date of the amendatory Act, every insurer that delivers or issues for delivery in the State a group accident and health policy providing coverage for hospital, medical, or surgical treatment on an expense-incurred basis shall offer coverage (rather than offer optional coverage for an additional premium) for the reasonable and necessary medical treatment of temporomandibular joint disorder and craniomandibular disorder. Removes provisions that provide that the group policyholder shall accept or reject optional coverage in writing on the application or an amendment to the master group policy and that an insurer may offer coverage for temporomandibular joint disorder and craniomandibular disorder as part of a policy's basic coverage instead of optional coverage. The Chamber opposes coverage mandates due to increased cost for employers.
- [HB 2840](#), **Auto Insurance**, passed out of the House Transportation: Vehicles & Safety Committee by a vote of 9-0-1. This bill Increases the minimum mandatory coverage amounts for liability insurance policies in this State and increases the amounts sufficient to satisfy a judgment following a motor vehicle accident as

follows: bodily injury or death to any one person from \$25,000 to \$50,000; bodily injury or death to more than one person from \$50,000 to \$100,000; and injury or destruction of property of others from \$20,000 to \$40,000.

- [HB 2877](#), **Housing** passed out of the House by a vote of 73-31-8. This bill Creates the COVID-19 Federal Emergency Rental Assistance Program Act. Contains provisions for: the Federal Emergency Rental Assistance program; accessibility and transparency; process for further prioritizing applicants for financial assistance and housing stability services; and required notifications and correspondence. a temporary COVID-19 stay of certain foreclosure proceedings and filings. Makes corresponding changes to a provision regarding demand for rent and eviction actions.

Save The Date: Chamber Day Announced

The Illinois Chamber will be hosting the annual Chamber Day event on April 14th-15th through a virtual format. View the link below for the necessary registration info. We hope to see you there!

Registration Link: <https://myemail.constantcontact.com/Chamber-Day-2021-Save-The-Date.html?soid=1109152397846&aid=vdRUa61PHWg>

Upcoming Chamber Webinar

Title: Dealing with Lenders: From Negotiation to Documentation

Date/Time: March 30, 2021 | 10:30 am – 11:30 am

Description: This webinar will discuss commercial loans from a lender's perspective and the different concessions that a lender can make in order to get a loan deal. In particular, we will discuss what lenders look for in potential borrowers, some of the different "levers" that lenders can use to make a deal workable for all parties, and loan documentation clauses that lenders will and will not agree to change. Join Michael Cortina, co-chair of SmithAmundsen's Financial Services Group, for this information and timely presentation!

Registration link:

<http://events.constantcontact.com/register/event?llr=omjkt4dab&oeidk=a07ehlzv773c4ccbb8f>

Key Legislation

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