

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do not
16 require the holding of a closed meeting to discuss a subject
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees, specific individuals who serve as independent
23 contractors, or specific volunteers of the public body or

1 legal counsel for the public body, including hearing
2 testimony on a complaint lodged against an employee a
3 specific individual who serves as an independent
4 contractor, or a volunteer of the public body or against
5 legal counsel for the public body to determine its
6 validity. However, a meeting to consider an increase in
7 compensation to a specific employee of a public body that
8 is subject to the Local Government Wage Increase
9 Transparency Act may not be closed and shall be open to the
10 public and posted and held in accordance with this Act.

11 (2) Collective negotiating matters between the public
12 body and its employees or their representatives, or
13 deliberations concerning salary schedules for one or more
14 classes of employees.

15 (3) The selection of a person to fill a public office,
16 as defined in this Act, including a vacancy in a public
17 office, when the public body is given power to appoint
18 under law or ordinance, or the discipline, performance or
19 removal of the occupant of a public office, when the public
20 body is given power to remove the occupant under law or
21 ordinance.

22 (4) Evidence or testimony presented in open hearing, or
23 in closed hearing where specifically authorized by law, to
24 a quasi-adjudicative body, as defined in this Act, provided
25 that the body prepares and makes available for public
26 inspection a written decision setting forth its

1 determinative reasoning.

2 (5) The purchase or lease of real property for the use
3 of the public body, including meetings held for the purpose
4 of discussing whether a particular parcel should be
5 acquired.

6 (6) The setting of a price for sale or lease of
7 property owned by the public body.

8 (7) The sale or purchase of securities, investments, or
9 investment contracts. This exception shall not apply to the
10 investment of assets or income of funds deposited into the
11 Illinois Prepaid Tuition Trust Fund.

12 (8) Security procedures, school building safety and
13 security, and the use of personnel and equipment to respond
14 to an actual, a threatened, or a reasonably potential
15 danger to the safety of employees, students, staff, the
16 public, or public property.

17 (9) Student disciplinary cases.

18 (10) The placement of individual students in special
19 education programs and other matters relating to
20 individual students.

21 (11) Litigation, when an action against, affecting or
22 on behalf of the particular public body has been filed and
23 is pending before a court or administrative tribunal, or
24 when the public body finds that an action is probable or
25 imminent, in which case the basis for the finding shall be
26 recorded and entered into the minutes of the closed

1 meeting.

2 (12) The establishment of reserves or settlement of
3 claims as provided in the Local Governmental and
4 Governmental Employees Tort Immunity Act, if otherwise the
5 disposition of a claim or potential claim might be
6 prejudiced, or the review or discussion of claims, loss or
7 risk management information, records, data, advice or
8 communications from or with respect to any insurer of the
9 public body or any intergovernmental risk management
10 association or self insurance pool of which the public body
11 is a member.

12 (13) Conciliation of complaints of discrimination in
13 the sale or rental of housing, when closed meetings are
14 authorized by the law or ordinance prescribing fair housing
15 practices and creating a commission or administrative
16 agency for their enforcement.

17 (14) Informant sources, the hiring or assignment of
18 undercover personnel or equipment, or ongoing, prior or
19 future criminal investigations, when discussed by a public
20 body with criminal investigatory responsibilities.

21 (15) Professional ethics or performance when
22 considered by an advisory body appointed to advise a
23 licensing or regulatory agency on matters germane to the
24 advisory body's field of competence.

25 (16) Self evaluation, practices and procedures or
26 professional ethics, when meeting with a representative of

1 a statewide association of which the public body is a
2 member.

3 (17) The recruitment, credentialing, discipline or
4 formal peer review of physicians or other health care
5 professionals, or for the discussion of matters protected
6 under the federal Patient Safety and Quality Improvement
7 Act of 2005, and the regulations promulgated thereunder,
8 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
9 Health Insurance Portability and Accountability Act of
10 1996, and the regulations promulgated thereunder,
11 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,
12 or other institution providing medical care, that is
13 operated by the public body.

14 (18) Deliberations for decisions of the Prisoner
15 Review Board.

16 (19) Review or discussion of applications received
17 under the Experimental Organ Transplantation Procedures
18 Act.

19 (20) The classification and discussion of matters
20 classified as confidential or continued confidential by
21 the State Government Suggestion Award Board.

22 (21) Discussion of minutes of meetings lawfully closed
23 under this Act, whether for purposes of approval by the
24 body of the minutes or semi-annual review of the minutes as
25 mandated by Section 2.06.

26 (22) Deliberations for decisions of the State

1 Emergency Medical Services Disciplinary Review Board.

2 (23) The operation by a municipality of a municipal
3 utility or the operation of a municipal power agency or
4 municipal natural gas agency when the discussion involves
5 (i) contracts relating to the purchase, sale, or delivery
6 of electricity or natural gas or (ii) the results or
7 conclusions of load forecast studies.

8 (24) Meetings of a residential health care facility
9 resident sexual assault and death review team or the
10 Executive Council under the Abuse Prevention Review Team
11 Act.

12 (25) Meetings of an independent team of experts under
13 Brian's Law.

14 (26) Meetings of a mortality review team appointed
15 under the Department of Juvenile Justice Mortality Review
16 Team Act.

17 (27) (Blank).

18 (28) Correspondence and records (i) that may not be
19 disclosed under Section 11-9 of the Illinois Public Aid
20 Code or (ii) that pertain to appeals under Section 11-8 of
21 the Illinois Public Aid Code.

22 (29) Meetings between internal or external auditors
23 and governmental audit committees, finance committees, and
24 their equivalents, when the discussion involves internal
25 control weaknesses, identification of potential fraud risk
26 areas, known or suspected frauds, and fraud interviews

1 conducted in accordance with generally accepted auditing
2 standards of the United States of America.

3 (30) Those meetings or portions of meetings of a
4 fatality review team or the Illinois Fatality Review Team
5 Advisory Council during which a review of the death of an
6 eligible adult in which abuse or neglect is suspected,
7 alleged, or substantiated is conducted pursuant to Section
8 15 of the Adult Protective Services Act.

9 (31) Meetings and deliberations for decisions of the
10 Concealed Carry Licensing Review Board under the Firearm
11 Concealed Carry Act.

12 (32) Meetings between the Regional Transportation
13 Authority Board and its Service Boards when the discussion
14 involves review by the Regional Transportation Authority
15 Board of employment contracts under Section 28d of the
16 Metropolitan Transit Authority Act and Sections 3A.18 and
17 3B.26 of the Regional Transportation Authority Act.

18 (33) Those meetings or portions of meetings of the
19 advisory committee and peer review subcommittee created
20 under Section 320 of the Illinois Controlled Substances Act
21 during which specific controlled substance prescriber,
22 dispenser, or patient information is discussed.

23 (34) Meetings of the Tax Increment Financing Reform
24 Task Force under Section 2505-800 of the Department of
25 Revenue Law of the Civil Administrative Code of Illinois.

26 (35) Meetings of the group established to discuss

1 Medicaid capitation rates under Section 5-30.8 of the
2 Illinois Public Aid Code.

3 (d) Definitions. For purposes of this Section:

4 "Employee" means a person employed by a public body whose
5 relationship with the public body constitutes an
6 employer-employee relationship under the usual common law
7 rules, and who is not an independent contractor.

8 "Public office" means a position created by or under the
9 Constitution or laws of this State, the occupant of which is
10 charged with the exercise of some portion of the sovereign
11 power of this State. The term "public office" shall include
12 members of the public body, but it shall not include
13 organizational positions filled by members thereof, whether
14 established by law or by a public body itself, that exist to
15 assist the body in the conduct of its business.

16 "Quasi-adjudicative body" means an administrative body
17 charged by law or ordinance with the responsibility to conduct
18 hearings, receive evidence or testimony and make
19 determinations based thereon, but does not include local
20 electoral boards when such bodies are considering petition
21 challenges.

22 (e) Final action. No final action may be taken at a closed
23 meeting. Final action shall be preceded by a public recital of
24 the nature of the matter being considered and other information
25 that will inform the public of the business being conducted.

26 (Source: P.A. 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480,

1 eff. 9-9-15; 99-642, eff. 7-28-16; 99-646, eff. 7-28-16;
2 99-687, eff. 1-1-17; 100-201, eff. 8-18-17; 100-465, eff.
3 8-31-17; 100-646, eff. 7-27-18.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.