

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
16 not require the holding of a closed meeting to discuss a
17 subject 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 in a park, recreational, or educational

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

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

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

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

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

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

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

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

19 (9) Student disciplinary cases.

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

23 (11) Litigation, when an action against, affecting or
24 on behalf of the particular public body has been filed and
25 is pending before a court or administrative tribunal, or
26 when the public body finds that an action is probable or

1 imminent, in which case the basis for the finding shall be
2 recorded and entered into the minutes of the closed
3 meeting.

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

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

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

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

1 (16) Self evaluation, practices and procedures or
2 professional ethics, when meeting with a representative of
3 a statewide association of which the public body is a
4 member.

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

16 (18) Deliberations for decisions of the Prisoner
17 Review Board.

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

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

24 (21) Discussion of minutes of meetings lawfully closed
25 under this Act, whether for purposes of approval by the
26 body of the minutes or semi-annual review of the minutes

1 as mandated by Section 2.06.

2 (22) Deliberations for decisions of the State
3 Emergency Medical Services Disciplinary Review Board.

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

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

14 (25) Meetings of an independent team of experts under
15 Brian's Law.

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

19 (27) (Blank).

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

24 (29) Meetings between internal or external auditors
25 and governmental audit committees, finance committees, and
26 their equivalents, when the discussion involves internal

1 control weaknesses, identification of potential fraud risk
2 areas, known or suspected frauds, and fraud interviews
3 conducted in accordance with generally accepted auditing
4 standards of the United States of America.

5 (30) Those meetings or portions of meetings of a
6 fatality review team or the Illinois Fatality Review Team
7 Advisory Council during which a review of the death of an
8 eligible adult in which abuse or neglect is suspected,
9 alleged, or substantiated is conducted pursuant to Section
10 15 of the Adult Protective Services Act.

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

14 (32) Meetings between the Regional Transportation
15 Authority Board and its Service Boards when the discussion
16 involves review by the Regional Transportation Authority
17 Board of employment contracts under Section 28d of the
18 Metropolitan Transit Authority Act and Sections 3A.18 and
19 3B.26 of the Regional Transportation Authority Act.

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

25 (34) Meetings of the Tax Increment Financing Reform
26 Task Force under Section 2505-800 of the Department of

1 Revenue Law of the Civil Administrative Code of Illinois.

2 (35) Meetings of the group established to discuss
3 Medicaid capitation rates under Section 5-30.8 of the
4 Illinois Public Aid Code.

5 (36) Those deliberations or portions of deliberations
6 for decisions of the Illinois Gaming Board in which there
7 is discussed any of the following: (i) personal,
8 commercial, financial, or other information obtained from
9 any source that is privileged, proprietary, confidential,
10 or a trade secret; or (ii) information specifically
11 exempted from the disclosure by federal or State law.

12 (37) Those meetings or portions of meetings of the
13 Oversight Board of the Illinois Joint Analysis Center
14 (JAC), as created by Executive Order 2020-49, at which
15 classified matters are discussed.

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

17 "Employee" means a person employed by a public body whose
18 relationship with the public body constitutes an
19 employer-employee relationship under the usual common law
20 rules, and who is not an independent contractor.

21 "Public office" means a position created by or under the
22 Constitution or laws of this State, the occupant of which is
23 charged with the exercise of some portion of the sovereign
24 power of this State. The term "public office" shall include
25 members of the public body, but it shall not include
26 organizational positions filled by members thereof, whether

1 established by law or by a public body itself, that exist to
2 assist the body in the conduct of its business.

3 "Quasi-adjudicative body" means an administrative body
4 charged by law or ordinance with the responsibility to conduct
5 hearings, receive evidence or testimony and make
6 determinations based thereon, but does not include local
7 electoral boards when such bodies are considering petition
8 challenges.

9 (e) Final action. No final action may be taken at a closed
10 meeting. Final action shall be preceded by a public recital of
11 the nature of the matter being considered and other
12 information that will inform the public of the business being
13 conducted.

14 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
15 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
16 8-23-19; revised 9-27-19.)