



Sen. Michael E. Hastings

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10200SB0927sam001

LRB102 04775 RJF 25287 a

1 AMENDMENT TO SENATE BILL 927

2 AMENDMENT NO. _____. Amend Senate Bill 927 by replacing
3 everything after the enacting clause with the following:

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

1 subject included within an enumerated exception.

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

4 (1) The appointment, employment, compensation,
5 discipline, performance, or dismissal of specific
6 employees, specific individuals who serve as independent
7 contractors in a park, recreational, or educational
8 setting, or specific volunteers of the public body or
9 legal counsel for the public body, including hearing
10 testimony on a complaint lodged against an employee, a
11 specific individual who serves as an independent
12 contractor in a park, recreational, or educational
13 setting, or a volunteer of the public body or against
14 legal counsel for the public body to determine its
15 validity. However, a meeting to consider an increase in
16 compensation to a specific employee of a public body that
17 is subject to the Local Government Wage Increase
18 Transparency Act may not be closed and shall be open to the
19 public and posted and held in accordance with this Act.

20 (2) Collective negotiating matters between the public
21 body and its employees or their representatives, or
22 deliberations concerning salary schedules for one or more
23 classes of employees.

24 (3) The selection of a person to fill a public office,
25 as defined in this Act, including a vacancy in a public
26 office, when the public body is given power to appoint

1 under law or ordinance, or the discipline, performance or
2 removal of the occupant of a public office, when the
3 public body is given power to remove the occupant under
4 law or ordinance.

5 (4) Evidence or testimony presented in open hearing,
6 or in closed hearing where specifically authorized by law,
7 to a quasi-adjudicative body, as defined in this Act,
8 provided that the body prepares and makes available for
9 public inspection a written decision setting forth its
10 determinative reasoning.

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

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

17 (7) The sale or purchase of securities, investments,
18 or investment contracts. This exception shall not apply to
19 the investment of assets or income of funds deposited into
20 the Illinois Prepaid Tuition Trust Fund.

21 (8) Security procedures, school building safety and
22 security, and the use of personnel and equipment to
23 respond to an actual, a threatened, or a reasonably
24 potential danger to the safety of employees, students,
25 staff, the public, or public property.

26 (9) Student disciplinary cases.

1 (10) The placement of individual students in special
2 education programs and other matters relating to
3 individual students.

4 (11) Litigation, when an action against, affecting or
5 on behalf of the particular public body has been filed and
6 is pending before a court or administrative tribunal, or
7 when the public body finds that an action is probable or
8 imminent, in which case the basis for the finding shall be
9 recorded and entered into the minutes of the closed
10 meeting.

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

21 (13) Conciliation of complaints of discrimination in
22 the sale or rental of housing, when closed meetings are
23 authorized by the law or ordinance prescribing fair
24 housing practices and creating a commission or
25 administrative agency for their enforcement.

26 (14) Informant sources, the hiring or assignment of

1 undercover personnel or equipment, or ongoing, prior or
2 future criminal investigations, when discussed by a public
3 body with criminal investigatory responsibilities.

4 (15) Professional ethics or performance when
5 considered by an advisory body appointed to advise a
6 licensing or regulatory agency on matters germane to the
7 advisory body's field of competence.

8 (16) Self evaluation, practices and procedures or
9 professional ethics, when meeting with a representative of
10 a statewide association of which the public body is a
11 member.

12 (17) The recruitment, credentialing, discipline or
13 formal peer review of physicians or other health care
14 professionals, or for the discussion of matters protected
15 under the federal Patient Safety and Quality Improvement
16 Act of 2005, and the regulations promulgated thereunder,
17 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
18 Health Insurance Portability and Accountability Act of
19 1996, and the regulations promulgated thereunder,
20 including 45 C.F.R. Parts 160, 162, and 164, by a
21 hospital, or other institution providing medical care,
22 that is operated by the public body.

23 (18) Deliberations for decisions of the Prisoner
24 Review Board.

25 (19) Review or discussion of applications received
26 under the Experimental Organ Transplantation Procedures

1 Act.

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

5 (21) Discussion of minutes of meetings lawfully closed
6 under this Act, whether for purposes of approval by the
7 body of the minutes or semi-annual review of the minutes
8 as mandated by Section 2.06.

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

11 (23) The operation by a municipality of a municipal
12 utility or the operation of a municipal power agency or
13 municipal natural gas agency when the discussion involves
14 (i) contracts relating to the purchase, sale, or delivery
15 of electricity or natural gas or (ii) the results or
16 conclusions of load forecast studies.

17 (24) Meetings of a residential health care facility
18 resident sexual assault and death review team or the
19 Executive Council under the Abuse Prevention Review Team
20 Act.

21 (25) Meetings of an independent team of experts under
22 Brian's Law.

23 (26) Meetings of a mortality review team appointed
24 under the Department of Juvenile Justice Mortality Review
25 Team Act.

26 (27) (Blank).

1 (28) Correspondence and records (i) that may not be
2 disclosed under Section 11-9 of the Illinois Public Aid
3 Code or (ii) that pertain to appeals under Section 11-8 of
4 the Illinois Public Aid Code.

5 (29) Meetings between internal or external auditors
6 and governmental audit committees, finance committees, and
7 their equivalents, when the discussion involves internal
8 control weaknesses, identification of potential fraud risk
9 areas, known or suspected frauds, and fraud interviews
10 conducted in accordance with generally accepted auditing
11 standards of the United States of America.

12 (30) Those meetings or portions of meetings of a
13 fatality review team or the Illinois Fatality Review Team
14 Advisory Council during which a review of the death of an
15 eligible adult in which abuse or neglect is suspected,
16 alleged, or substantiated is conducted pursuant to Section
17 15 of the Adult Protective Services Act.

18 (31) Meetings and deliberations for decisions of the
19 Concealed Carry Licensing Review Board under the Firearm
20 Concealed Carry Act.

21 (32) Meetings between the Regional Transportation
22 Authority Board and its Service Boards when the discussion
23 involves review by the Regional Transportation Authority
24 Board of employment contracts under Section 28d of the
25 Metropolitan Transit Authority Act and Sections 3A.18 and
26 3B.26 of the Regional Transportation Authority Act.

1 (33) Those meetings or portions of meetings of the
2 advisory committee and peer review subcommittee created
3 under Section 320 of the Illinois Controlled Substances
4 Act during which specific controlled substance prescriber,
5 dispenser, or patient information is discussed.

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

9 (35) Meetings of the group established to discuss
10 Medicaid capitation rates under Section 5-30.8 of the
11 Illinois Public Aid Code.

12 (36) Those deliberations or portions of deliberations
13 for decisions of the Illinois Gaming Board in which there
14 is discussed any of the following: (i) personal,
15 commercial, financial, or other information obtained from
16 any source that is privileged, proprietary, confidential,
17 or a trade secret; or (ii) information specifically
18 exempted from the disclosure by federal or State law.

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

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

24 "Employee" means a person employed by a public body whose
25 relationship with the public body constitutes an
26 employer-employee relationship under the usual common law

1 rules, and who is not an independent contractor.

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

10 "Quasi-adjudicative body" means an administrative body
11 charged by law or ordinance with the responsibility to conduct
12 hearings, receive evidence or testimony and make
13 determinations based thereon, but does not include local
14 electoral boards when such bodies are considering petition
15 challenges.

16 (e) Final action. No final action may be taken at a closed
17 meeting. Final action shall be preceded by a public recital of
18 the nature of the matter being considered and other
19 information that will inform the public of the business being
20 conducted.

21 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
22 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
23 8-23-19; revised 9-27-19.)".