



Rep. Ron Sandack

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1 AMENDMENT TO HOUSE BILL 1605

2 AMENDMENT NO. _____. Amend House Bill 1605 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Local
5 Government Bankruptcy Neutral Evaluation Act.

6 Section 3. Findings. Filing for Chapter 9 can reduce
7 service levels to the taxpayers and residents of a local public
8 entity. In some circumstances, it can have major short-and
9 long-term fiscal consequences for the entity, the surrounding
10 entities, and the State. Filing for bankruptcy protection under
11 Chapter 9 should be considered a last resort, to be instituted
12 only after other reasonable efforts have been made to avoid a
13 bankruptcy filing or otherwise appropriately plan for it. It is
14 in the interest of the State, units of local government, and
15 the public that local governmental entities have sufficiently
16 sound financial capacity to provide required services to the

1 public and meet their contractual and other obligations during
2 any restructuring or financial reorganization process.
3 Furthermore, it is in the best interest of the public, the
4 State, and local governmental entities that employees, trade
5 creditors, bondholders, and other interest-holders be included
6 in an appropriate restructuring process and have an adequate
7 understanding of the financial capacity of local governmental
8 entities and their obligations, as a clear understanding of
9 both is necessary for any restructuring or reorganization
10 process.

11 To the extent financial relief granted through Chapter 9
12 can affect debt service payments, the bondholders have a direct
13 interest in the Chapter 9 process, particularly prior to
14 filing. Therefore, it is important for those parties to be able
15 to participate in a prefiling confidential neutral evaluation
16 process that could assist parties in reaching a settlement and
17 avoiding a bankruptcy filing or otherwise lead to a
18 pre-negotiated consensual plan of readjustment as clearly
19 contemplated by subsection (c) of Section 109 of Title 11 of
20 the United States Code.

21 To the extent financial relief granted through Chapter 9
22 could affect public employee compensation, employees have a
23 direct interest in the Chapter 9 process, particularly prior to
24 filing. Therefore, it is important for those parties to be able
25 to participate in a prefiling confidential neutral evaluation
26 process that could assist parties in reaching a settlement or

1 otherwise lead to a pre-negotiated, consensual plan of
2 adjustment and avoid a Chapter 9 filing.

3 Given the connection between State allocations and local
4 budgets, the State has a role in assisting local public
5 entities to address potential insolvency with the goal of
6 averting bankruptcy filings where possible and providing a
7 process designed to make the debt restructuring process in or
8 outside of a Chapter 9 bankruptcy as cost effective and
9 efficient as possible for all participants.

10 Illinois taxpayers who rely on public safety, senior,
11 recreational, health, library, and other public services, as
12 well as those who own and operate businesses in our
13 communities, deserve every reasonable and appropriate effort
14 that State and local government can make to avoid adverse
15 consequences of Chapter 9 bankruptcy filings, particularly
16 where a neutral evaluation may lead to the avoidance of Chapter
17 9 filing by an out-of-court resolution of outstanding
18 obligations and disputes.

19 Resolving local and State business and financial issues in
20 a timely, fair, and cost-effective manner is an integral part
21 of a successful government and is in the public interest. It
22 has long been recognized that alternative dispute resolution
23 proceedings, like a neutral evaluation, offer an economical,
24 discreet, and expeditious way to resolve potentially
25 devastating situations.

26 Through the neutral evaluation process, the neutral

1 evaluator, a specially trained, neutral third party, can assist
2 the local public entity and its creditors and stakeholders to
3 fully explore alternatives, while allowing the interested
4 parties to exchange information in a confidential environment
5 with the assistance and supervision of a neutral evaluator to
6 determine whether the entity's contractual and financial
7 obligations can be renegotiated on a consensual basis.

8 Section 5. Eligibility. A local public entity in this State
9 may file a petition and exercise powers pursuant to applicable
10 federal bankruptcy law if either of the following apply: (i)
11 the local public entity has participated in a neutral
12 evaluation process pursuant to Section 15 of this Act, or (ii)
13 the local public entity declares a fiscal emergency and adopts
14 a resolution by a majority vote of the governing board pursuant
15 to Section 20 of this Act.

16 Section 10. Definitions. As used in this Act the following
17 terms mean:

18 "Chapter 9" means Chapter 9 of Title 11 of the United
19 States Code.

20 "Creditor" means either of the following:

21 An entity that has a noncontingent claim against a
22 municipality that arose at the time of or before the
23 commencement of the neutral evaluation process and whose
24 claim represents at least \$5,000,000 or comprises more than

1 5% of the local public entity's debt or obligations,
2 whichever is less.

3 An entity that would have a noncontingent claim against
4 the municipality upon the rejection of an executory
5 contract or unexpired lease in a Chapter 9 case and whose
6 claim would represent at least \$5,000,000 or comprises more
7 than 5% of the local public entity's debt or obligations,
8 whichever is less.

9 "Debtor" means a local public entity that may file for
10 bankruptcy under Chapter 9.

11 "Good faith" means participation by a party in the neutral
12 evaluation process with the intent to negotiate toward a
13 resolution of the issues that are the subject of the neutral
14 evaluation process, including the timely provision of complete
15 and accurate information to provide the relevant parties
16 through the neutral evaluation process with sufficient
17 information, in a confidential manner, to negotiate the
18 readjustment of the local public entity's debt.

19 "Interested party" means a trustee, a committee of
20 creditors, an affected creditor, an indenture trustee, a
21 pension fund, a bondholder, a union that, under its collective
22 bargaining agreements, has standing to initiate contract or
23 debt restructuring negotiations with the local public entity,
24 or a representative selected by an association of retired
25 employees of the public entity who receive income from the
26 public entity convening the neutral evaluation. A local public

1 entity may invite holders of contingent claims to participate
2 as interested parties in the neutral evaluation if the local
3 public entity determines that the contingency is likely to
4 occur and the claim may represent \$5,000,000 or comprise more
5 than 5% of the local public entity's debt or obligations,
6 whichever is less.

7 "Local public entity" means any county, municipality,
8 township, special district, public authority, public agency,
9 or other entity that is a political subdivision or public
10 agency or instrumentality of the State, or that qualifies as a
11 debtor under any other federal bankruptcy law applicable to
12 local public entities. For purposes of this Act, "local public
13 entity" does not include a school district.

14 "Local public entity representative" means the person or
15 persons designated by the local public agency with authority to
16 make recommendations and to attend the neutral evaluation on
17 behalf of the governing body of the local public agency.

18 "Neutral evaluation" is a form of non-binding alternative
19 dispute resolution that may be known as mandatory mediation. A
20 "neutral evaluator" may also be known as a mediator.

21 Section 15. Neutral evaluation process.

22 (a) A local public entity may initiate the neutral
23 evaluation process if the local public entity is or likely will
24 become unable to meet its financial obligations as and when
25 those obligations are due or become due and owing. The local

1 public entity shall initiate the neutral evaluation by
2 providing notice by certified mail of a request for neutral
3 evaluation to all interested parties, as defined in Section 10
4 of this Act.

5 (b) Interested parties shall respond within 10 business
6 days after receipt of notice of the local public entity's
7 request for neutral evaluation.

8 (c) The local public entity and the interested parties
9 agreeing to participate in the neutral evaluation shall,
10 through a mutually agreed upon process, select the neutral
11 evaluator to oversee the neutral evaluation process and
12 facilitate all discussions in an effort to resolve their
13 disputes.

14 If the local public entity and interested parties fail to
15 agree on a neutral evaluator within 7 days after the interested
16 parties have responded to the notification sent by the public
17 entity, the public entity shall select 5 qualified neutral
18 evaluators and provide their names, references, and
19 backgrounds to the participating interested parties. Within 3
20 business days, a majority of participating interested parties
21 may strike up to 4 names from the list. If a majority of
22 participating interested parties strikes 4 names, the
23 remaining candidate shall be the neutral evaluator. If the
24 majority of participating parties strikes fewer than 4 names,
25 the local public entity may choose which of the remaining
26 candidates shall be the neutral evaluator.

1 (d) A neutral evaluator shall have experience and training
2 in conflict resolution and alternative dispute resolution and
3 shall meet at least one of the following qualifications:

4 (1) at least 10 years of high-level business or legal
5 practice involving bankruptcy or service as a United States
6 Bankruptcy Judge; or

7 (2) professional experience or training in local
8 government finance and one or more of the following areas:
9 local government organization, local government debt
10 restructuring, local government finances dispute
11 resolution, Chapter 9 bankruptcy, public finance,
12 taxation, Illinois Constitutional law, Illinois labor law,
13 or federal labor law.

14 (e) The neutral evaluator shall be impartial, objective,
15 independent, and free from prejudice. The neutral evaluator
16 shall not act with partiality or prejudice based on any
17 participant's personal characteristics, background, values or
18 beliefs, or performance during the neutral evaluation process.

19 (f) The neutral evaluator shall avoid a conflict of
20 interest or the appearance of a conflict of interest during the
21 neutral evaluation process. The neutral evaluator shall make a
22 reasonable inquiry to determine whether there are any facts
23 that a reasonable individual would consider likely to create a
24 potential or actual conflict of interest. Notwithstanding
25 subsection (n) of this Section, if the neutral evaluator is
26 informed of the existence of any facts that a reasonable

1 individual would consider likely to create a potential or
2 actual conflict of interest, the neutral evaluator shall
3 disclose these facts in writing to the local public entity and
4 all interested parties involved in the neutral evaluation. If
5 any party to the neutral evaluation objects to the neutral
6 evaluator, that party shall notify all other parties to the
7 neutral evaluation, including the neutral evaluator, within 15
8 days after receipt of the notice from the neutral evaluator,
9 and the neutral evaluator shall withdraw and a new neutral
10 evaluator shall be selected pursuant to subsections (a) and (b)
11 of this Section.

12 (g) Prior to the neutral evaluation process, the neutral
13 evaluator shall not establish another relationship with any of
14 the parties in a manner that would raise questions about the
15 integrity of the neutral evaluation, except that the neutral
16 evaluator may conduct further neutral evaluations regarding
17 other potential local public entities that may involve some of
18 the same or similar constituents to a prior mediation.

19 (h) The neutral evaluator shall conduct the neutral
20 evaluation process in a manner that promotes voluntary,
21 uncoerced decision-making in which each party makes free and
22 informed choices regarding the process and outcome.

23 (i) The neutral evaluator shall not impose a settlement on
24 the parties. The neutral evaluator shall use his or her best
25 efforts to assist the parties to reach a satisfactory
26 resolution of their disputes. Subject to the discretion of the

1 neutral evaluator, the neutral evaluator may make oral or
2 written recommendations for settlement or plan of readjustment
3 to a party privately or to all parties jointly.

4 (j) The neutral evaluator shall inform the local public
5 entity and all parties of the provisions of Chapter 9 relative
6 to other chapters of the bankruptcy codes. This instruction
7 shall highlight the limited authority of United States
8 bankruptcy judges in Chapter 9, including the lack of
9 flexibility available to judges to reduce or cram down debt
10 repayments and similar efforts not available to reorganize the
11 operations of the city that may be available to a corporate
12 entity.

13 (k) The neutral evaluator may request from the parties
14 documentation and other information that the neutral evaluator
15 believes may be helpful in assisting the parties to address the
16 obligations between them. This documentation may include the
17 status of funds of the local public entity that clearly
18 distinguishes between general funds and special funds, and the
19 proposed plan of readjustment prepared by the local public
20 entity.

21 (l) The neutral evaluator shall provide counsel and
22 guidance to all parties, shall not be a legal representative of
23 any party, and shall not have a fiduciary duty to any party.

24 (m) In the event of a settlement with all interested
25 parties, the neutral evaluator may assist the parties in
26 negotiating a pre-petitioned, pre-agreed plan of readjustment

1 in connection with a potential Chapter 9 filing.

2 (n) If at any time during the neutral evaluation process
3 the local public entity and a majority of the representatives
4 of the interested parties participating in the neutral
5 evaluation wish to remove the neutral evaluator, the local
6 public entity or any interested party may make a request to the
7 other interested parties to remove the neutral evaluator. If
8 the local public entity and the majority of the interested
9 parties agree that the neutral evaluator should be removed, the
10 parties shall select a new neutral evaluator.

11 (o) The local public entity and all interested parties
12 participating in the neutral evaluation process shall
13 negotiate in good faith.

14 (p) The local public entity and interested parties shall
15 provide a representative of each party to attend all neutral
16 evaluation sessions. Each representative shall have the
17 authority to settle and resolve disputes or shall be in a
18 position to present any proposed settlement or plan of
19 readjustment to the parties participating in the neutral
20 evaluation.

21 (q) The parties shall maintain the confidentiality of the
22 neutral evaluation process and shall not disclose statements
23 made, information disclosed, or documents prepared or
24 produced, during the neutral evaluation process, at the
25 conclusion of the neutral evaluation process or during any
26 bankruptcy proceeding unless either of the following occur:

1 (i) all persons that conduct or otherwise participate
2 in the neutral evaluation expressly agree in writing or
3 orally to disclosure of the communication, document, or
4 writing; or

5 (ii) the information is deemed necessary by a judge
6 presiding over a bankruptcy proceeding pursuant to Chapter
7 9 of Title 11 of the United States Code to determine
8 eligibility of a local public entity to proceed with a
9 bankruptcy proceeding pursuant to subsection (c) of
10 Section 109 of Title 11 of the United States Code.

11 (r) The neutral evaluation established by this process
12 shall not last for more than 60 days after the date the
13 evaluator is selected, unless the local public entity or a
14 majority of participating interested parties elect to extend
15 the process for up to 30 additional days. The neutral
16 evaluation process shall not last for more than 90 days after
17 the date the evaluator is selected unless the local public
18 entity and a majority of the interested parties agree to an
19 extension.

20 (s) The local public entity shall pay 50% of the costs of
21 neutral evaluation, including but not limited to the fees of
22 the evaluator, and the creditors shall pay the balance, unless
23 otherwise agreed to by the parties.

24 (t) The neutral evaluation process shall end if any of the
25 following occur:

26 (i) the parties execute an settlement agreement;

1 (ii) the parties reach an agreement or proposed plan of
2 readjustment that requires the approval of a bankruptcy
3 judge;

4 (iii) the neutral evaluation process has exceeded 60
5 days after the date the neutral evaluator was selected, the
6 parties have not reached an agreement, and neither the
7 local public entity or a majority of the interested parties
8 elect to extend the neutral evaluation process past the
9 initial 60-day time period;

10 (iv) the local public entity initiated the neutral
11 evaluation process pursuant to subsection (a) of this
12 Section and received no responses from interested parties
13 within the time specified in subsection (b) of this
14 Section; or

15 (v) the fiscal condition of the local public entity
16 deteriorates to the point that a fiscal emergency is
17 declared pursuant to Section 20 of this Act and
18 necessitates the need to file a petition and exercise
19 powers pursuant to applicable federal bankruptcy law.

20 Section 20. Declaration of fiscal emergency.
21 Notwithstanding any other Section of this Act, a local public
22 entity may file a petition and exercise powers pursuant to
23 applicable federal bankruptcy law, if the local public entity
24 declares a fiscal emergency and adopts a resolution by a
25 majority vote of the governing board at a noticed public

1 hearing that includes findings that the financial state of the
2 local public entity jeopardizes the health, safety, or
3 well-being of the residents of the local public entity's
4 jurisdiction or service area absent the protections of Chapter
5 9. The resolution shall make findings that the public entity is
6 or will be unable to pay its obligations within the next 60
7 days. Prior to a declaration of fiscal emergency and adoption
8 of a resolution, the local public entity shall place an item on
9 the agenda of a noticed public hearing on the fiscal condition
10 of the entity to take public comment. The board of supervisors
11 of a county that intends to take action pursuant to this
12 Section and places a notice on an agenda regarding a proposed
13 resolution to declare a fiscal emergency may require local
14 agencies with funds invested in the county treasury to provide
15 a 5-day notice of withdrawal before the county is required to
16 comply with a request for withdrawal of funds by that local
17 agency.

18 Section 25. Liabilities. This Act shall not impose any
19 liability or responsibility, in law or equity, upon the State,
20 any department, agency, or other entity of the State, or any
21 officer or employee of the State, for any action taken by any
22 local public entity pursuant to this Act, for any violation of
23 the provisions of this Act by any local public entity, or for
24 any failure to comply with the provisions of this Act by any
25 local public entity. No cause of action against the State, or

1 any department, agency, entity of the State, or any officer or
2 employee of the State acting in their official capacity may be
3 maintained for any activity authorized by this Act, or for the
4 act of a local public entity filing under Chapter 9 of Title 11
5 of the United States Code, including any proceeding following a
6 local public entity's filing.

7 Section 30. Public access; meetings and information. Any
8 meetings or writings made pursuant to this Act are prohibited
9 from being disclosed to the public.

10 Section 35. Statutory lien for bonds.

11 (a) As used in this Section:

12 "Bond" or "bonds" has the same meaning given to that term
13 under Section 3 of the Local Government Debt Reform Act.

14 "Governmental unit" has the same meaning given to that term
15 under Section 3 of the Local Government Debt Reform Act.

16 "Statutory lien" shall have the meaning given to that term
17 under 11 U.S.C. 101(53) of the Federal Bankruptcy Code.

18 (b) All bonds, including general obligation bonds and
19 revenue bonds issued and sold under the Local Government Debt
20 Reform Act or related laws, including bonds issued under home
21 rule powers, issued by a governmental unit shall be secured by
22 a statutory lien on all revenues received pursuant to the levy
23 and collection of tax or the collection or deposit of money,
24 funds, or revenues so pledged to the payment of the bonds. The

1 statutory lien shall automatically attach from the time such
2 pledge is made without further action or authorization by the
3 governing authority of the governmental unit. The statutory
4 lien shall be valid and binding from the time the bonds are
5 executed and delivered without any physical delivery thereof or
6 further act required, and shall be a first priority lien,
7 unless the bonds so otherwise provide, and the taxes, funds,
8 revenues, and moneys so pledged shall not be used for other
9 purposes until the bonds are paid in full.

10 The revenues received pursuant to the levy and collection
11 of the taxes or the collection or deposit of revenues, money,
12 or funds so pledged shall be immediately subject to the
13 statutory lien, and the statutory lien shall automatically
14 attach to the revenues and be effective, binding, and
15 enforceable against the governmental unit or its successors,
16 transferees, and creditors, and all others asserting rights
17 therein or having claims of any kind in tort, contract, or
18 otherwise against the governmental unit, irrespective of
19 whether those parties have notice of the lien and without the
20 need for any physical delivery, recordation, filing, or further
21 act. In addition, revenue bonds issued by a governmental unit
22 under the Local Government Debt Reform Act or related laws,
23 including bonds issued by governmental unit with home rule
24 authority, shall have all of the protection afforded to special
25 revenue under 11 U.S.C. 901 et. seq., of the Federal Bankruptcy
26 Code.

1 Section 80. The Open Meetings Act is amended by changing
2 Section 2 as follows:

3 (5 ILCS 120/2) (from Ch. 102, par. 42)

4 Sec. 2. Open meetings.

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

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

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

17 (1) The appointment, employment, compensation,
18 discipline, performance, or dismissal of specific
19 employees of the public body or legal counsel for the
20 public body, including hearing testimony on a complaint
21 lodged against an employee of the public body or against
22 legal counsel for the public body to determine its
23 validity.

24 (2) Collective negotiating matters between the public

1 body and its employees or their representatives, or
2 deliberations concerning salary schedules for one or more
3 classes of employees.

4 (3) The selection of a person to fill a public office,
5 as defined in this Act, including a vacancy in a public
6 office, when the public body is given power to appoint
7 under law or ordinance, or the discipline, performance or
8 removal of the occupant of a public office, when the public
9 body is given power to remove the occupant under law or
10 ordinance.

11 (4) Evidence or testimony presented in open hearing, or
12 in closed hearing where specifically authorized by law, to
13 a quasi-adjudicative body, as defined in this Act, provided
14 that the body prepares and makes available for public
15 inspection a written decision setting forth its
16 determinative reasoning.

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

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

23 (7) The sale or purchase of securities, investments, or
24 investment contracts. This exception shall not apply to the
25 investment of assets or income of funds deposited into the
26 Illinois Prepaid Tuition Trust Fund.

1 (8) Security procedures and the use of personnel and
2 equipment to respond to an actual, a threatened, or a
3 reasonably potential danger to the safety of employees,
4 students, staff, the public, or public property.

5 (9) Student disciplinary cases.

6 (10) The placement of individual students in special
7 education programs and other matters relating to
8 individual students.

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

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

26 (13) Conciliation of complaints of discrimination in

1 the sale or rental of housing, when closed meetings are
2 authorized by the law or ordinance prescribing fair housing
3 practices and creating a commission or administrative
4 agency for their enforcement.

5 (14) Informant sources, the hiring or assignment of
6 undercover personnel or equipment, or ongoing, prior or
7 future criminal investigations, when discussed by a public
8 body with criminal investigatory responsibilities.

9 (15) Professional ethics or performance when
10 considered by an advisory body appointed to advise a
11 licensing or regulatory agency on matters germane to the
12 advisory body's field of competence.

13 (16) Self evaluation, practices and procedures or
14 professional ethics, when meeting with a representative of
15 a statewide association of which the public body is a
16 member.

17 (17) The recruitment, credentialing, discipline or
18 formal peer review of physicians or other health care
19 professionals for a hospital, or other institution
20 providing medical care, that is operated by the public
21 body.

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

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

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

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

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

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

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

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

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

25 (27) (Blank).

26 (28) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Public Aid Code or (ii)
2 that pertain to appeals under Section 11-8 of the Public
3 Aid Code.

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

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

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

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

26 (33) Meetings held pursuant to the Local Government

1 Bankruptcy Neutral Evaluation Act.

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

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

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

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

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

25 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;
26 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.

1 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff.
2 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; revised
3 10-1-14.)

4 Section 85. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions ~~Exemptions~~. To the extent
8 provided for by the statutes referenced below, the following
9 shall be exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating
24 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmissible
3 Disease Control Act.

4 (e) Information the disclosure of which is exempted
5 under Section 30 of the Radon Industry Licensing Act.

6 (f) Firm performance evaluations under Section 55 of
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted
10 and exempted under Section 50 of the Illinois Prepaid
11 Tuition Act.

12 (h) Information the disclosure of which is exempted
13 under the State Officials and Employees Ethics Act, and
14 records of any lawfully created State or local inspector
15 general's office that would be exempt if created or
16 obtained by an Executive Inspector General's office under
17 that Act.

18 (i) Information contained in a local emergency energy
19 plan submitted to a municipality in accordance with a local
20 emergency energy plan ordinance that is adopted under
21 Section 11-21.5-5 of the Illinois Municipal Code.

22 (j) Information and data concerning the distribution
23 of surcharge moneys collected and remitted by wireless
24 carriers under the Wireless Emergency Telephone Safety
25 Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the Capital
15 Crimes Litigation Act. This subsection (n) shall apply
16 until the conclusion of the trial of the case, even if the
17 prosecution chooses not to pursue the death penalty prior
18 to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Regional Transportation Authority under Section 2.11 of
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Records Review Act.

5 (r) Information prohibited from being disclosed by the
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information
10 in the form of health data or medical records contained in,
11 stored in, submitted to, transferred by, or released from
12 the Illinois Health Information Exchange, and identified
13 or deidentified health information in the form of health
14 data and medical records of the Illinois Health Information
15 Exchange in the possession of the Illinois Health
16 Information Exchange Authority due to its administration
17 of the Illinois Health Information Exchange. The terms
18 "identified" and "deidentified" shall be given the same
19 meaning as in the Health Insurance Accountability and
20 Portability Act of 1996, Public Law 104-191, or any
21 subsequent amendments thereto, and any regulations
22 promulgated thereunder.

23 (u) Records and information provided to an independent
24 team of experts under Brian's Law.

25 (v) Names and information of people who have applied
26 for or received Firearm Owner's Identification Cards under

1 the Firearm Owners Identification Card Act or applied for
2 or received a concealed carry license under the Firearm
3 Concealed Carry Act, unless otherwise authorized by the
4 Firearm Concealed Carry Act; and databases under the
5 Firearm Concealed Carry Act, records of the Concealed Carry
6 Licensing Review Board under the Firearm Concealed Carry
7 Act, and law enforcement agency objections under the
8 Firearm Concealed Carry Act.

9 (w) Personally identifiable information which is
10 exempted from disclosure under subsection (g) of Section
11 19.1 of the Toll Highway Act.

12 (x) Information which is exempted from disclosure
13 under Section 5-1014.3 of the Counties Code or Section
14 8-11-21 of the Illinois Municipal Code.

15 (y) Confidential information under the Adult
16 Protective Services Act and its predecessor enabling
17 statute, the Elder Abuse and Neglect Act, including
18 information about the identity and administrative finding
19 against any caregiver of a verified and substantiated
20 decision of abuse, neglect, or financial exploitation of an
21 eligible adult maintained in the Registry established
22 under Section 7.5 of the Adult Protective Services Act.

23 (z) Records and information provided to a fatality
24 review team or the Illinois Fatality Review Team Advisory
25 Council under Section 15 of the Adult Protective Services
26 Act.

1 (aa) Information which is exempted from disclosure
2 under Section 2.37 of the Wildlife Code.

3 (bb) All records and information prohibited from being
4 disclosed by the Local Government Bankruptcy Neutral
5 Evaluation Act.

6 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
7 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,
8 eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039,
9 eff. 8-25-14; 98-1045, eff. 8-25-14; revised 10-1-14.)".