



Rep. Dagmara Avelar

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10300HB2447ham001

LRB103 30299 DTM 60435 a

1 AMENDMENT TO HOUSE BILL 2447

2 AMENDMENT NO. _____. Amend House Bill 2447 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 and 7 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 (4.5) Evidence or testimony presented to a school
12 board regarding denial of admission to school events or
13 property pursuant to Section 24-24 of the School Code,
14 provided that the school board prepares and makes
15 available for public inspection a written decision setting
16 forth its determinative reasoning.

17 (5) The purchase or lease of real property for the use
18 of the public body, including meetings held for the
19 purpose of discussing whether a particular parcel should
20 be 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,
24 or investment contracts. This exception shall not apply to
25 the investment of assets or income of funds deposited into
26 the Illinois Prepaid Tuition Trust Fund.

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

6 (9) Student disciplinary cases.

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

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

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

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

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

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

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

18 (17) The recruitment, credentialing, discipline or
19 formal peer review of physicians or other health care
20 professionals, or for the discussion of matters protected
21 under the federal Patient Safety and Quality Improvement
22 Act of 2005, and the regulations promulgated thereunder,
23 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
24 Health Insurance Portability and Accountability Act of
25 1996, and the regulations promulgated thereunder,
26 including 45 C.F.R. Parts 160, 162, and 164, by a

1 hospital, or other institution providing medical care,
2 that is operated by the public body.

3 (18) Deliberations for decisions of the Prisoner
4 Review Board.

5 (19) Review or discussion of applications received
6 under the Experimental Organ Transplantation Procedures
7 Act.

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

11 (21) Discussion of minutes of meetings lawfully closed
12 under this Act, whether for purposes of approval by the
13 body of the minutes or semi-annual review of the minutes
14 as mandated by Section 2.06.

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

17 (23) The operation by a municipality of a municipal
18 utility or the operation of a municipal power agency or
19 municipal natural gas agency when the discussion involves
20 (i) contracts relating to the purchase, sale, or delivery
21 of electricity or natural gas or (ii) the results or
22 conclusions of load forecast studies.

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

1 (25) Meetings of an independent team of experts under
2 Brian's Law.

3 (26) Meetings of a mortality review team appointed
4 under the Department of Juvenile Justice Mortality Review
5 Team Act.

6 (27) (Blank).

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

11 (29) Meetings between internal or external auditors
12 and governmental audit committees, finance committees, and
13 their equivalents, when the discussion involves internal
14 control weaknesses, identification of potential fraud risk
15 areas, known or suspected frauds, and fraud interviews
16 conducted in accordance with generally accepted auditing
17 standards of the United States of America.

18 (30) Those meetings or portions of meetings of a
19 fatality review team or the Illinois Fatality Review Team
20 Advisory Council during which a review of the death of an
21 eligible adult in which abuse or neglect is suspected,
22 alleged, or substantiated is conducted pursuant to Section
23 15 of the Adult Protective Services Act.

24 (31) Meetings and deliberations for decisions of the
25 Concealed Carry Licensing Review Board under the Firearm
26 Concealed Carry Act.

1 (32) Meetings between the Regional Transportation
2 Authority Board and its Service Boards when the discussion
3 involves review by the Regional Transportation Authority
4 Board of employment contracts under Section 28d of the
5 Metropolitan Transit Authority Act and Sections 3A.18 and
6 3B.26 of the Regional Transportation Authority Act.

7 (33) Those meetings or portions of meetings of the
8 advisory committee and peer review subcommittee created
9 under Section 320 of the Illinois Controlled Substances
10 Act during which specific controlled substance prescriber,
11 dispenser, or patient information is discussed.

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

15 (35) Meetings of the group established to discuss
16 Medicaid capitation rates under Section 5-30.8 of the
17 Illinois Public Aid Code.

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

25 (37) Deliberations for decisions of the Illinois Law
26 Enforcement Training Standards Board, the Certification

1 Review Panel, and the Illinois State Police Merit Board
2 regarding certification and decertification.

3 (38) Meetings of the Ad Hoc Statewide Domestic
4 Violence Fatality Review Committee of the Illinois
5 Criminal Justice Information Authority Board that occur in
6 closed executive session under subsection (d) of Section
7 35 of the Domestic Violence Fatality Review Act.

8 (39) Meetings of the regional review teams under
9 subsection (a) of Section 75 of the Domestic Violence
10 Fatality Review Act.

11 (40) Meetings of the Firearm Owner's Identification
12 Card Review Board under Section 10 of the Firearm Owners
13 Identification Card Act.

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

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

19 "Public office" means a position created by or under the
20 Constitution or laws of this State, the occupant of which is
21 charged with the exercise of some portion of the sovereign
22 power of this State. The term "public office" shall include
23 members of the public body, but it shall not include
24 organizational positions filled by members thereof, whether
25 established by law or by a public body itself, that exist to
26 assist the body in the conduct of its business.

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

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

12 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;
13 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
14 8-20-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

15 (5 ILCS 120/7)

16 Sec. 7. Attendance by a means other than physical
17 presence.

18 (a) If a quorum of the members of the public body is
19 physically present as required by Section 2.01, a majority of
20 the public body may allow a member of that body to attend the
21 meeting by other means if the member is prevented from
22 physically attending because of: (i) personal illness or
23 disability; (ii) employment purposes or the business of the
24 public body; ~~or~~ (iii) a family or other emergency; or (iv)
25 childcare obligations. "Other means" is by video or audio

1 conference.

2 (b) If a member wishes to attend a meeting by other means,
3 the member must notify the recording secretary or clerk of the
4 public body before the meeting unless advance notice is
5 impractical.

6 (c) A majority of the public body may allow a member to
7 attend a meeting by other means only in accordance with and to
8 the extent allowed by rules adopted by the public body. The
9 rules must conform to the requirements and restrictions of
10 this Section, may further limit the extent to which attendance
11 by other means is allowed, and may provide for the giving of
12 additional notice to the public or further facilitate public
13 access to meetings.

14 (d) The limitations of this Section shall not apply to (i)
15 closed meetings of (A) public bodies with statewide
16 jurisdiction, (B) Illinois library systems with jurisdiction
17 over a specific geographic area of more than 4,500 square
18 miles, (C) municipal transit districts with jurisdiction over
19 a specific geographic area of more than 4,500 square miles, or
20 (D) local workforce innovation areas with jurisdiction over a
21 specific geographic area of more than 4,500 square miles or
22 (ii) open or closed meetings of State advisory boards or
23 bodies that do not have authority to make binding
24 recommendations or determinations or to take any other
25 substantive action. State advisory boards or bodies, public
26 bodies with statewide jurisdiction, Illinois library systems

1 with jurisdiction over a specific geographic area of more than
2 4,500 square miles, municipal transit districts with
3 jurisdiction over a specific geographic area of more than
4 4,500 square miles, and local workforce investment areas with
5 jurisdiction over a specific geographic area of more than
6 4,500 square miles, however, may permit members to attend
7 meetings by other means only in accordance with and to the
8 extent allowed by specific procedural rules adopted by the
9 body. For the purposes of this Section, "local workforce
10 innovation area" means any local workforce innovation area or
11 areas designated by the Governor pursuant to the federal
12 Workforce Innovation and Opportunity Act or its reauthorizing
13 legislation.

14 (e) Subject to the requirements of Section 2.06 but
15 notwithstanding any other provision of law, an open or closed
16 meeting subject to this Act may be conducted by audio or video
17 conference, without the physical presence of a quorum of the
18 members, so long as the following conditions are met:

19 (1) the Governor or the Director of the Illinois
20 Department of Public Health has issued a disaster
21 declaration related to public health concerns because of a
22 disaster as defined in Section 4 of the Illinois Emergency
23 Management Agency Act, and all or part of the jurisdiction
24 of the public body is covered by the disaster area;

25 (2) the head of the public body as defined in
26 subsection (e) of Section 2 of the Freedom of Information

1 Act determines that an in-person meeting or a meeting
2 conducted under this Act is not practical or prudent
3 because of a disaster;

4 (3) all members of the body participating in the
5 meeting, wherever their physical location, shall be
6 verified and can hear one another and can hear all
7 discussion and testimony;

8 (4) for open meetings, members of the public present
9 at the regular meeting location of the body can hear all
10 discussion and testimony and all votes of the members of
11 the body, unless attendance at the regular meeting
12 location is not feasible due to the disaster, including
13 the issued disaster declaration, in which case the public
14 body must make alternative arrangements and provide notice
15 pursuant to this Section of such alternative arrangements
16 in a manner to allow any interested member of the public
17 access to contemporaneously hear all discussion,
18 testimony, and roll call votes, such as by offering a
19 telephone number or a web-based link;

20 (5) at least one member of the body, chief legal
21 counsel, or chief administrative officer is physically
22 present at the regular meeting location, unless unfeasible
23 due to the disaster, including the issued disaster
24 declaration; and

25 (6) all votes are conducted by roll call, so each
26 member's vote on each issue can be identified and

1 recorded.

2 (7) Except in the event of a bona fide emergency, 48
3 hours' notice shall be given of a meeting to be held
4 pursuant to this Section. Notice shall be given to all
5 members of the public body, shall be posted on the website
6 of the public body, and shall also be provided to any news
7 media who has requested notice of meetings pursuant to
8 subsection (a) of Section 2.02 of this Act. If the public
9 body declares a bona fide emergency:

10 (A) Notice shall be given pursuant to subsection
11 (a) of Section 2.02 of this Act, and the presiding
12 officer shall state the nature of the emergency at the
13 beginning of the meeting.

14 (B) The public body must comply with the verbatim
15 recording requirements set forth in Section 2.06 of
16 this Act.

17 (8) Each member of the body participating in a meeting
18 by audio or video conference for a meeting held pursuant
19 to this Section is considered present at the meeting for
20 purposes of determining a quorum and participating in all
21 proceedings.

22 (9) In addition to the requirements for open meetings
23 under Section 2.06, public bodies holding open meetings
24 under this subsection (e) must also keep a verbatim record
25 of all their meetings in the form of an audio or video
26 recording. Verbatim records made under this paragraph (9)

1 shall be made available to the public under, and are
2 otherwise subject to, the provisions of Section 2.06.

3 (10) The public body shall bear all costs associated
4 with compliance with this subsection (e).

5 (Source: P.A. 100-477, eff. 9-8-17; 101-640, eff. 6-12-20.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."