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09400HB1097ham001

LRB094 08894 RSP 42850 a

1 AMENDMENT TO HOUSE BILL 1097

2 AMENDMENT NO. _____. Amend House Bill 1097 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 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 of the public body or legal counsel for the
23 public body, including hearing testimony on a complaint
24 lodged against an employee of the public body or against

1 legal counsel for the public body to determine its
2 validity.

3 (2) Collective negotiating matters between the public
4 body and its employees or their representatives, or
5 deliberations concerning salary schedules for one or more
6 classes of employees.

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

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

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

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

26 (7) The sale or purchase of securities, investments, or
27 investment contracts.

28 (8) Security procedures and the use of personnel and
29 equipment to respond to an actual, a threatened, or a
30 reasonably potential danger to the safety of employees,
31 students, staff, the public, or public property.

32 (9) Student disciplinary cases.

33 (10) The placement of individual students in special
34 education programs and other matters relating to

1 individual students.

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

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

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

24 (14) Informant sources, the hiring or assignment of
25 undercover personnel or equipment, or ongoing, prior or
26 future criminal investigations, when discussed by a public
27 body with criminal investigatory responsibilities.

28 (15) Professional ethics or performance when
29 considered by an advisory body appointed to advise a
30 licensing or regulatory agency on matters germane to the
31 advisory body's field of competence.

32 (16) Self evaluation, practices and procedures or
33 professional ethics, when meeting with a representative of
34 a statewide association of which the public body is a

1 member.

2 (17) The recruitment, credentialing, discipline or
3 formal peer review of physicians or other health care
4 professionals for a hospital, or other institution
5 providing medical care, that is operated by the public
6 body.

7 (18) Deliberations for decisions of the Prisoner
8 Review Board.

9 (19) Review or discussion of applications received
10 under the Experimental Organ Transplantation Procedures
11 Act.

12 (20) The classification and discussion of matters
13 classified as confidential or continued confidential by
14 the State Employees Suggestion Award Board.

15 (21) Discussion of minutes of meetings lawfully closed
16 under this Act, whether for purposes of approval by the
17 body of the minutes or semi-annual review of the minutes as
18 mandated by Section 2.06.

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

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

27 (24) Meetings of a residential health care facility
28 resident sexual assault and death review team or the
29 Residential Health Care Facility Resident Sexual Assault
30 and Death Review Teams Executive Council under the
31 Residential Health Care Facility Resident Sexual Assault
32 and Death Review Team Act.

33 (25) Discussion by a civic center board concerning
34 convention or event contracts or convention or event

1 contract proposals.

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. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422,
26 eff. 8-5-03; 93-577, eff. 8-21-03; revised 9-8-03.)".