



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0182

Introduced 1/18/2013, by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2

from Ch. 102, par. 42

5 ILCS 315/24 rep.

115 ILCS 5/18 rep.

Amends the Open Meetings Act, the Illinois Public Labor Relations Act, and the Illinois Educational Labor Relations Act. Eliminates the open meetings exemption for collective bargaining in all three Acts. Effective immediately.

LRB098 04225 JDS 34250 b

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 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

1 lodged against an employee of the public body or against
2 legal counsel for the public body to determine its
3 validity.

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

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

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

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

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

1 (7) The sale or purchase of securities, investments, or
2 investment contracts. This exception shall not apply to the
3 investment of assets or income of funds deposited into the
4 Illinois Prepaid Tuition Trust Fund.

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

9 (9) Student disciplinary cases.

10 (10) The placement of individual students in special
11 education programs and other matters relating to
12 individual students.

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

20 (12) The establishment of reserves or settlement of
21 claims as provided in the Local Governmental and
22 Governmental Employees Tort Immunity Act, if otherwise the
23 disposition of a claim or potential claim might be
24 prejudiced, or the review or discussion of claims, loss or
25 risk management information, records, data, advice or
26 communications from or with respect to any insurer of the

1 public body or any intergovernmental risk management
2 association or self insurance pool of which the public body
3 is a member.

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

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

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

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

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

26 (18) Deliberations for decisions of the Prisoner

1 Review Board.

2 (19) Review or discussion of applications received
3 under the Experimental Organ Transplantation Procedures
4 Act.

5 (20) The classification and discussion of matters
6 classified as confidential or continued confidential by
7 the State Government Suggestion Award Board.

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

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

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

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

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

26 (26) Meetings of a mortality review team appointed

1 under the Department of Juvenile Justice Mortality Review
2 Team Act.

3 (27) Confidential information, when discussed by one
4 or more members of an elder abuse fatality review team,
5 designated under Section 15 of the Elder Abuse and Neglect
6 Act, while participating in a review conducted by that team
7 of the death of an elderly person in which abuse or neglect
8 is suspected, alleged, or substantiated; provided that
9 before the review team holds a closed meeting, or closes an
10 open meeting, to discuss the confidential information,
11 each participating review team member seeking to disclose
12 the confidential information in the closed meeting or
13 closed portion of the meeting must state on the record
14 during an open meeting or the open portion of a meeting the
15 nature of the information to be disclosed and the legal
16 basis for otherwise holding that information confidential.

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

21 (29) Meetings between internal or external auditors
22 and governmental audit committees, finance committees, and
23 their equivalents, when the discussion involves internal
24 control weaknesses, identification of potential fraud risk
25 areas, known or suspected frauds, and fraud interviews
26 conducted in accordance with generally accepted auditing

1 standards of the United States of America.

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. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
26 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.

1 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
2 eff. 8-1-12.)

3 (5 ILCS 315/24 rep.)

4 Section 10. The Illinois Public Labor Relations Act is
5 amended by repealing Section 24.

6 (115 ILCS 5/18 rep.)

7 Section 15. The Illinois Educational Labor Relations Act is
8 amended by repealing Section 18.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.