

1 AMENDMENT TO HOUSE BILL 3682

2 AMENDMENT NO. _____. Amend House Bill 3682, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Open Meetings Act is amended by changing
6 Section 2 as follows:

7 (5 ILCS 120/2) (from Ch. 102, par. 42)

8 Sec. 2. Open meetings.

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

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

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

22 (1) The appointment, employment, compensation,

1 discipline, performance, or dismissal of specific
2 employees of the public body, including hearing testimony
3 on a complaint lodged against an employee to determine
4 its validity.

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

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

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

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

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

28 (7) The sale or purchase of securities,
29 investments, or investment contracts.

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

34 (9) Student disciplinary cases.

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

4 (11) Litigation, when an action against, affecting
5 or on behalf of the particular public body has been filed
6 and is pending before a court or administrative tribunal,
7 or when the public body finds that an action is probable
8 or imminent, in which case the basis for the finding
9 shall be recorded and entered into the minutes of the
10 closed 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
14 the disposition of a claim or potential claim might be
15 prejudiced, or the review or discussion of claims, loss
16 or 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
22 in the sale or rental of housing, when closed meetings
23 are 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
27 undercover personnel or equipment, or ongoing, prior or
28 future criminal investigations, when discussed by a
29 public body with criminal investigatory responsibilities.

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

34 (16) Self evaluation, practices and procedures or

1 professional ethics, when meeting with a representative
2 of a statewide association of which the public body is a
3 member.

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

9 (18) Deliberations for decisions of the Prisoner
10 Review Board.

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

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

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

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

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

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

30 "Employee" means a person employed by a public body whose
31 relationship with the public body constitutes an
32 employer-employee relationship under the usual common law
33 rules, and who is not an independent contractor.

34 "Public office" means a position created by or under the

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

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

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

19 (Source: P.A. 90-144, eff. 7-23-97; 91-730, eff. 1-1-01.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."