



Rep. Renée Kosel

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LRB096 16279 JAM 38751 a

1 AMENDMENT TO HOUSE BILL 5483

2 AMENDMENT NO. _____. Amend House Bill 5483 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing
5 Section 2.06 as follows:

6 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

7 Sec. 2.06. Minutes; right to speak.

8 (a) All public bodies shall keep written minutes of all
9 their meetings, whether open or closed, and a verbatim record
10 of all their closed meetings in the form of an audio or video
11 recording. Minutes shall include, but need not be limited to:

12 (1) the date, time and place of the meeting;

13 (2) the members of the public body recorded as either
14 present or absent and whether the members were physically
15 present or present by means of video or audio conference;

16 and

1 (3) a summary of discussion on all matters proposed,
2 deliberated, or decided, and a record of any votes taken.

3 (b) A public body shall approve the minutes of its open
4 meeting within 30 days after that meeting or at the public
5 body's next regular meeting, whichever is later. The minutes of
6 meetings open to the public shall be available for public
7 inspection within 10 ~~7~~ days after ~~of~~ the approval of such
8 minutes by the public body. Beginning July 1, 2006, at the time
9 it complies with the other requirements of this subsection, a
10 public body that has a website that the full-time staff of the
11 public body maintains shall post the minutes of a regular
12 meeting of its governing body open to the public on the public
13 body's website within 10 ~~7~~ days after ~~of~~ the approval of the
14 minutes by the public body. Beginning July 1, 2006, any minutes
15 of meetings open to the public posted on the public body's
16 website shall remain posted on the website for at least 60 days
17 after their initial posting.

18 (c) The verbatim record may be destroyed without
19 notification to or the approval of a records commission or the
20 State Archivist under the Local Records Act or the State
21 Records Act no less than 18 months after the completion of the
22 meeting recorded but only after:

23 (1) the public body approves the destruction of a
24 particular recording; and

25 (2) the public body approves minutes of the closed
26 meeting that meet the written minutes requirements of

1 subsection (a) of this Section.

2 (d) Each public body shall periodically, but no less than
3 semi-annually, meet to review minutes of all closed meetings.
4 At such meetings a determination shall be made, and reported in
5 an open session that (1) the need for confidentiality still
6 exists as to all or part of those minutes or (2) that the
7 minutes or portions thereof no longer require confidential
8 treatment and are available for public inspection. The failure
9 of a public body to strictly comply with the semi-annual review
10 of closed session written minutes, whether before or after the
11 effective date of this amendatory Act of the 94th General
12 Assembly, shall not cause the written minutes or related
13 verbatim record to become public or available for inspection in
14 any judicial proceeding, other than a proceeding involving an
15 alleged violation of this Act, if the public body, within 60
16 days of discovering its failure to strictly comply with the
17 technical requirements of this subsection, reviews the closed
18 session minutes and determines and thereafter reports in open
19 session that either (1) the need for confidentiality still
20 exists as to all or part of the minutes or verbatim record, or
21 (2) that the minutes or recordings or portions thereof no
22 longer require confidential treatment and are available for
23 public inspection.

24 (e) Unless the public body has made a determination that
25 the verbatim recording no longer requires confidential
26 treatment or otherwise consents to disclosure, the verbatim

1 record of a meeting closed to the public shall not be open for
2 public inspection or subject to discovery in any administrative
3 or judicial proceeding other than one brought to enforce this
4 Act. In the case of a civil action brought to enforce this Act,
5 the court, if the judge believes such an examination is
6 necessary, must conduct such in camera examination of the
7 verbatim record as it finds appropriate in order to determine
8 whether there has been a violation of this Act. In the case of
9 a criminal proceeding, the court may conduct an examination in
10 order to determine what portions, if any, must be made
11 available to the parties for use as evidence in the
12 prosecution. Any such initial inspection must be held in
13 camera. If the court determines that a complaint or suit
14 brought for noncompliance under this Act is valid it may, for
15 the purposes of discovery, redact from the minutes of the
16 meeting closed to the public any information deemed to qualify
17 under the attorney-client privilege. The provisions of this
18 subsection do not supersede the privacy or confidentiality
19 provisions of State or federal law.

20 (f) Minutes of meetings closed to the public shall be
21 available only after the public body determines that it is no
22 longer necessary to protect the public interest or the privacy
23 of an individual by keeping them confidential.

24 (g) Any person shall be permitted an opportunity to address
25 public officials at meetings subject to this Act under the
26 rules established and recorded by the public body.

1 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05; 94-28,
2 eff. 1-1-06; 94-542, eff. 8-10-05; 94-1058, eff. 1-1-07.)".