

1 AMENDMENT TO SENATE BILL 699

2 AMENDMENT NO. _____. Amend Senate Bill 699 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing
5 Sections 1.02, 2.02, 2.05, and 2.06 and by adding Section 7
6 as follows:

7 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

8 Sec. 1.02. For the purposes of this Act:

9 "Meeting" means any gathering of a majority of a quorum
10 of the members of a public body held for the purpose of
11 discussing public business, whether present physically, by
12 teleconference, video conference, or by other electronic
13 means that enables identifiable voices or other transmissions
14 to be received from any location and enables concurrent
15 actual ability to communicate with the member who is not
16 physically present.

17 "Public body" includes all legislative, executive,
18 administrative or advisory bodies of the State, counties,
19 townships, cities, villages, incorporated towns, school
20 districts and all other municipal corporations, boards,
21 bureaus, committees or commissions of this State, and any
22 subsidiary bodies of any of the foregoing including but not

1 limited to committees and subcommittees which are supported
2 in whole or in part by tax revenue, or which expend tax
3 revenue, except the General Assembly and committees or
4 commissions thereof. "Public body" includes tourism boards
5 and convention or civic center boards located in counties
6 that are contiguous to the Mississippi River with populations
7 of more than 250,000 but less than 300,000. "Public body"
8 includes the Health Facilities Planning Board. "Public body"
9 does not include a child death review team or the Illinois
10 Child Death Review Teams Executive Council established under
11 the Child Death Review Team Act or an ethics commission,
12 ethics officer, or ultimate jurisdictional authority acting
13 under the State Gift Ban Act as provided by Section 80 of
14 that Act.

15 (Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.)

16 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

17 Sec. 2.02. Public notice of all meetings, whether open
18 or closed to the public, shall be given as follows:

19 (a) Every public body shall give public notice of the
20 schedule of regular meetings at the beginning of each
21 calendar or fiscal year and shall state the regular dates,
22 times, and places of such meetings. For meetings at which
23 one or more members are present by teleconference, video
24 conference, or other electronic means, all locations at which
25 the public may participate in the meeting must be disclosed
26 in the agenda. An agenda for each regular meeting shall be
27 posted at the principal office of the public body and at the
28 location where the meeting is to be held at least 48 hours in
29 advance of the holding of the meeting. The requirement of a
30 regular meeting agenda shall not preclude the consideration
31 of items not specifically set forth in the agenda. Public
32 notice of any special meeting except a meeting held in the
33 event of a bona fide emergency, or of any rescheduled regular

1 meeting, or of any reconvened meeting, shall be given at
2 least 48 hours before such meeting, which notice shall also
3 include the agenda for the special, rescheduled, or
4 reconvened meeting, but the validity of any action taken by
5 the public body which is germane to a subject on the agenda
6 shall not be affected by other errors or omissions in the
7 agenda. The requirement of public notice of reconvened
8 meetings does not apply to any case where the meeting was
9 open to the public and (1) it is to be reconvened within 24
10 hours, or (2) an announcement of the time and place of the
11 reconvened meeting was made at the original meeting and there
12 is no change in the agenda. Notice of an emergency meeting
13 shall be given as soon as practicable, but in any event prior
14 to the holding of such meeting, to any news medium which has
15 filed an annual request for notice under subsection (b) of
16 this Section.

17 (b) Public notice shall be given by posting a copy of
18 the notice at the principal office of the body holding the
19 meeting or, if no such office exists, at the building in
20 which the meeting is to be held. The body shall supply copies
21 of the notice of its regular meetings, and of the notice of
22 any special, emergency, rescheduled or reconvened meeting, to
23 any news medium that has filed an annual request for such
24 notice. Any such news medium shall also be given the same
25 notice of all special, emergency, rescheduled or reconvened
26 meetings in the same manner as is given to members of the
27 body provided such news medium has given the public body an
28 address or telephone number within the territorial
29 jurisdiction of the public body at which such notice may be
30 given.

31 (Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

32 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

33 Sec. 2.05. Recording meetings.

1 (a) Subject to the provisions of Section 8-701 of the
2 Code of Civil Procedure "An Act in relation to the rights of
3 witnesses at proceedings conducted by a court, commission,
4 administrative agency or other tribunal in this State which
5 are televised or broadcast or at which motion pictures are
6 taken", approved July 14, 1953, as amended, any person may
7 record the proceedings at meetings required to be open by
8 this Act by tape, film or other means. The authority holding
9 the meeting shall prescribe reasonable rules to govern the
10 right to make such recordings.

11 If a witness at any meeting required to be open by this
12 Act which is conducted by a commission, administrative agency
13 or other tribunal, refuses to testify on the grounds that he
14 may not be compelled to testify if any portion of his
15 testimony is to be broadcast or televised or if motion
16 pictures are to be taken of him while he is testifying, the
17 authority holding the meeting shall prohibit such recording
18 during the testimony of the witness. Nothing in this Section
19 shall be construed to extend the right to refuse to testify
20 at any meeting not subject to the provisions of Section 8-701
21 of the Code of Civil Procedure "An Act in relation to the
22 rights of witnesses at proceedings conducted by a court,
23 commission, administrative agency or other tribunal in this
24 State which are televised or broadcast or at which motion
25 pictures are taken", approved July 14, 1953, as amended.

26 (b) In any contested case, as defined by the Illinois
27 Administrative Procedure Act, no live testimony may be
28 offered except upon the physical presence of the person
29 testifying unless all parties to the contested case waive the
30 requirement of physical presence. Affidavits, depositions,
31 or other recorded evidence are otherwise admissible as
32 provided by law.

33 (Source: P.A. 82-378.)

1 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

2 Sec. 2.06. (a) All public bodies shall keep written
3 minutes of all their meetings, whether open or closed. Such
4 minutes shall include, but need not be limited to:

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

6 (2) the members of the public body recorded as
7 either present or absent and whether the members were
8 physically present or present by electronic means; and

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

12 (b) The minutes of meetings open to the public shall be
13 available for public inspection within 7 days of the approval
14 of such minutes by the public body. Minutes of meetings
15 closed to the public shall be available only after the public
16 body determines that it is no longer necessary to protect the
17 public interest or the privacy of an individual by keeping
18 them confidential.

19 (c) Each public body shall periodically, but no less
20 than semi-annually, meet to review minutes of all closed
21 meetings. At such meetings a determination shall be made,
22 and reported in an open session that (1) the need for
23 confidentiality still exists as to all or part of those
24 minutes or (2) that the minutes or portions thereof no longer
25 require confidential treatment and are available for public
26 inspection.

27 (Source: P.A. 88-621, eff. 1-1-95.)

28 (5 ILCS 120/7 new)

29 Sec. 7. Attendance by electronic means.

30 (a) At any regular, special, emergency, or reconvened
31 meeting held pursuant to the public notice and agenda
32 requirements of this Act, so long as a majority of a quorum
33 of the members of the public body are present at the place

1 designated in the notice of the meeting, a member of a public
2 body may attend the meeting by electronic means if the member
3 is prevented from physically attending because of: (i)
4 personal illness or disability; (ii) absence from the
5 district of the public body for personal reasons, for
6 employment purposes, or for the business of the public body;
7 or (iii) a family or other emergency. Unless a member
8 presents a document from his or her physician attesting to
9 the member's inability to physically attend a meeting or
10 meetings, a member may not attend by electronic means more
11 than half of the meetings of that public body held in a
12 calendar year.

13 (b) If a member wishes to attend a meeting by electronic
14 means, the member shall notify the public body at least 48
15 hours before the meeting unless impracticable. The public
16 body shall determine if the notice requirement is
17 impracticable on a case-by-case basis.

18 (c) A member shall be considered present for purposes of
19 determining a quorum if the member is present by electronic
20 means, except in the case of meetings to: (i) vote on the
21 issuance of bonds; or (ii) hold any hearing required by law.

22 (d) If one or more members are present at a meeting by
23 electronic means, the public body shall issue a written
24 notice at the meeting stating the following: (i) the names of
25 the members present by electronic means; (ii) the electronic
26 means that the member will use to attend the meeting; and
27 (iii) the location of the monitor or speakerphone receiving
28 communications from the member present by electronic means.

29 (e) If one or more members of the public body attend a
30 meeting by electronic means, then all votes of the body shall
31 be by roll call.

32 (f) If a member is present by electronic means, then the
33 member must identify himself or herself by name and be
34 recognized by the presiding officer before communicating.

1 (g) Any voice, electronic, or other transmission by
2 electronic means made during the meeting by a member who is
3 attending a public meeting by electronic means shall be made
4 available to the public concurrent with the transmission
5 except for those meetings subject to the exceptions in
6 subsection (c) of Section 2 of this Act.

7 (h) A public body may promulgate any rules, not
8 inconsistent with this Act, concerning attendance at meetings
9 by electronic means and may prescribe more stringent
10 requirements, which shall be binding upon the public body,
11 that would give further notice to the public and facilitate
12 public access to meetings."