



Sen. Cristina Castro

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10200SB0932sam001

LRB102 04753 RJF 36763 a

1 AMENDMENT TO SENATE BILL 932

2 AMENDMENT NO. _____. Amend Senate Bill 932 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing
5 Section 7 as follows:

6 (5 ILCS 120/7)

7 Sec. 7. Attendance by a means other than physical
8 presence.

9 (a) If a quorum of the members of the public body is
10 physically present as required by Section 2.01, a majority of
11 the public body may allow a member of that body to attend the
12 meeting by other means if the member is prevented from
13 physically attending because of: (i) personal illness or
14 disability; (ii) employment purposes or the business of the
15 public body; or (iii) a family or other emergency. "Other
16 means" is by video or audio conference.

1 (b) If a member wishes to attend a meeting by other means,
2 the member must notify the recording secretary or clerk of the
3 public body before the meeting unless advance notice is
4 impractical.

5 (c) A majority of the public body may allow a member to
6 attend a meeting by other means only in accordance with and to
7 the extent allowed by rules adopted by the public body. The
8 rules must conform to the requirements and restrictions of
9 this Section, may further limit the extent to which attendance
10 by other means is allowed, and may provide for the giving of
11 additional notice to the public or further facilitate public
12 access to meetings.

13 (d) The limitations of this Section shall not apply to (i)
14 closed meetings of (A) public bodies with statewide
15 jurisdiction, (B) Illinois library systems with jurisdiction
16 over a specific geographic area of more than 4,500 square
17 miles, (C) municipal transit districts with jurisdiction over
18 a specific geographic area of more than 4,500 square miles, or
19 (D) local workforce innovation areas with jurisdiction over a
20 specific geographic area of more than 4,500 square miles or
21 (ii) open or closed meetings of State advisory boards or
22 bodies that do not have authority to make binding
23 recommendations or determinations or to take any other
24 substantive action. State advisory boards or bodies, public
25 bodies with statewide jurisdiction, Illinois library systems
26 with jurisdiction over a specific geographic area of more than

1 4,500 square miles, municipal transit districts with
2 jurisdiction over a specific geographic area of more than
3 4,500 square miles, and local workforce investment areas with
4 jurisdiction over a specific geographic area of more than
5 4,500 square miles, however, may permit members to attend
6 meetings by other means only in accordance with and to the
7 extent allowed by specific procedural rules adopted by the
8 body. For the purposes of this Section, "local workforce
9 innovation area" means any local workforce innovation area or
10 areas designated by the Governor pursuant to the federal
11 Workforce Innovation and Opportunity Act or its reauthorizing
12 legislation.

13 (e) Subject to the requirements of Section 2.06 but
14 notwithstanding any other provision of law, an open or closed
15 meeting subject to this Act may be conducted by audio or video
16 conference, without the physical presence of a quorum of the
17 members, so long as the following conditions are met:

18 (1) (A) the Governor or the Director of the Illinois
19 Department of Public Health has issued a disaster
20 declaration related to public health concerns because of a
21 disaster as defined in Section 4 of the Illinois Emergency
22 Management Agency Act, and all or part of the jurisdiction
23 of the public body is covered by the disaster area; or

24 (B) the elected or appointed presiding officer of the
25 public body determines that an in-person meeting conducted
26 under this Act would pose a risk to the health or safety of

1 members of the public body or the public, and that
2 conducting a meeting by an audio or video conference is in
3 the best interest of the public body or the public, and
4 public notice of any meeting given under this subparagraph
5 (B) states the reason or reasons why the presiding officer
6 of the public body made such determination;

7 (2) ~~(Blank); the head of the public body as defined in~~
8 ~~subsection (c) of Section 2 of the Freedom of Information~~
9 ~~Act determines that an in-person meeting or a meeting~~
10 ~~conducted under this Act is not practical or prudent~~
11 ~~because of a disaster;~~

12 (3) all members of the body participating in the
13 meeting, wherever their physical location, shall be
14 verified and can hear one another and can hear all
15 discussion and testimony;

16 (4) for open meetings, members of the public present
17 at the ~~regular~~ meeting location of the body can hear all
18 discussion and testimony and all votes of the members of
19 the body, or ~~unless attendance at the regular meeting~~
20 ~~location is not feasible due to the disaster, including~~
21 ~~the issued disaster declaration, in which case the public~~
22 ~~body makes arrangements and provides~~ must make alternative
23 ~~arrangements and provide~~ notice pursuant to this
24 subsection (e) ~~Section~~ of such ~~alternative~~ arrangements in
25 a manner to allow any interested member of the public
26 access to contemporaneously hear all discussion,

1 testimony, and roll call votes, such as by offering a
2 telephone number or a web-based link, and to provide a
3 method and notice by which members of the public may
4 provide public comment or address the public body as
5 authorized by subsection (g) of Section 2.06, such as by
6 telephone or web-based link, or by email or written
7 comment to be read aloud at the meeting consistent with
8 the public body's established and recorded rules for
9 public comment;

10 (5) at least one member of the body, its chief legal
11 counsel, or its chief administrative officer is physically
12 present at the ~~regular~~ meeting location, ~~unless unfeasible~~
13 ~~due to the disaster, including the issued disaster~~
14 ~~declaration;~~ and

15 (6) all votes are conducted by roll call, and ~~so~~ each
16 member's vote on each issue is ~~can be~~ identified and
17 recorded.

18 (7) Except in the event of a bona fide emergency, 48
19 hours' notice shall be given of a meeting to be held
20 pursuant to this Section. Notice shall be given to all
21 members of the public body, shall be posted in compliance
22 with subsection (a) of Section 2.02 ~~on the website of the~~
23 ~~public body,~~ and shall also be provided to any news media
24 who has requested notice of meetings pursuant to
25 subsection (a) of Section 2.02 of this Act. For a
26 determination made by an elected or appointed presiding

1 officer under subparagraph (B) of paragraph (1) of this
2 Section, the meeting notice and agenda shall include the
3 following: (i) all information necessary for the public to
4 access the audio or video conference, including, but not
5 limited to, the telephone number, web-based link, meeting
6 identification number, passcode, or other method to obtain
7 access; and (ii) for meetings conducted without the public
8 present at the meeting location pursuant to subparagraphs
9 (4) and (5) of this Section, all additional specific
10 information necessary for members of the public to provide
11 public comment or address the public body as authorized by
12 subsection (g) of Section 2.06, such as by telephone
13 number, web-based link, email, or written comment. If the
14 public body declares a bona fide emergency:

15 (A) Notice shall be given pursuant to subsection
16 (a) of Section 2.02 of this Act, and the presiding
17 officer shall state the nature of the emergency at the
18 beginning of the meeting.

19 (B) The public body must comply with the verbatim
20 recording requirements set forth in Section 2.06 of
21 this Act.

22 (8) Each member of the body participating in a meeting
23 by audio or video conference for a meeting held pursuant
24 to this Section is considered present at the meeting for
25 purposes of determining a quorum and participating in all
26 proceedings.

1 (9) In addition to the requirements for open meetings
2 under Section 2.06, public bodies holding open meetings
3 under this subsection (e) must also keep a verbatim record
4 of all their meetings in the form of an audio or video
5 recording. Verbatim records made under this paragraph (9)
6 shall be made available to the public under, and are
7 otherwise subject to, the provisions of Section 2.06.

8 (10) The public body shall bear all costs associated
9 with compliance with this subsection (e).

10 (Source: P.A. 100-477, eff. 9-8-17; 101-640, eff. 6-12-20.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."