



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1408

Introduced 1/31/2023, by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

Amends the Open Meetings Act. Modifies the conditions by which an open or closed meeting may be conducted by audio or video conference without the physical presence of a quorum of the members. Provides that a meeting may be held without the physical presence of a quorum of the members if, among other requirements, the chief elected or appointed official of the public body determines that an in-person meeting would pose a risk to the health or safety of members of the public body or the public and that conducting a meeting by an audio or video conference is in the best interests of the public body or the public and public notice of that meeting states the reason or reasons for such determination. Provides that such a determination by the chief elected or appointed official of the public body shall be required for any subsidiary body of the public body to conduct an open or closed meeting by audio or video conference. Specifies further requirements concerning notice and public comment. Makes conforming and other changes. Effective immediately.

LRB103 05306 DTM 50324 b

1 AN ACT concerning State 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 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.

17 (b) If a member wishes to attend a meeting by other means,
18 the member must notify the recording secretary or clerk of the
19 public body before the meeting unless advance notice is
20 impractical.

21 (c) A majority of the public body may allow a member to
22 attend a meeting by other means only in accordance with and to
23 the extent allowed by rules adopted by the public body. The

1 rules must conform to the requirements and restrictions of
2 this Section, may further limit the extent to which attendance
3 by other means is allowed, and may provide for the giving of
4 additional notice to the public or further facilitate public
5 access to meetings.

6 (d) The limitations of this Section shall not apply to (i)
7 closed meetings of (A) public bodies with statewide
8 jurisdiction, (B) Illinois library systems with jurisdiction
9 over a specific geographic area of more than 4,500 square
10 miles, (C) municipal transit districts with jurisdiction over
11 a specific geographic area of more than 4,500 square miles, or
12 (D) local workforce innovation areas with jurisdiction over a
13 specific geographic area of more than 4,500 square miles or
14 (ii) open or closed meetings of State advisory boards or
15 bodies that do not have authority to make binding
16 recommendations or determinations or to take any other
17 substantive action. State advisory boards or bodies, public
18 bodies with statewide jurisdiction, Illinois library systems
19 with jurisdiction over a specific geographic area of more than
20 4,500 square miles, municipal transit districts with
21 jurisdiction over a specific geographic area of more than
22 4,500 square miles, and local workforce investment areas with
23 jurisdiction over a specific geographic area of more than
24 4,500 square miles, however, may permit members to attend
25 meetings by other means only in accordance with and to the
26 extent allowed by specific procedural rules adopted by the

1 body. For the purposes of this Section, "local workforce
2 innovation area" means any local workforce innovation area or
3 areas designated by the Governor pursuant to the federal
4 Workforce Innovation and Opportunity Act or its reauthorizing
5 legislation.

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

11 (1) Either:

12 (A) the Governor or the Director of the Illinois
13 Department of Public Health has issued a disaster
14 declaration related to public health concerns because
15 of a disaster as defined in Section 4 of the Illinois
16 Emergency Management Agency Act, and all or part of
17 the jurisdiction of the public body is covered by the
18 disaster area; or

19 (B) the chief elected or appointed official of the
20 public body determines that an in-person meeting
21 conducted under this Act would pose a risk to the
22 health or safety of members of the public body or the
23 public and that conducting a meeting by an audio or
24 video conference is in the best interest of the public
25 body or the public, and the public notice of any
26 meeting given under this subparagraph (B) states the

1 reason or reasons for such determination.

2 (2) (Blank). ~~the head of the public body as defined in~~
3 ~~subsection (c) of Section 2 of the Freedom of Information~~
4 ~~Act determines that an in-person meeting or a meeting~~
5 ~~conducted under this Act is not practical or prudent~~
6 ~~because of a disaster;~~

7 (3) All ~~all~~ members of the body participating in the
8 meeting, wherever their physical location, shall be
9 verified and can hear one another and can hear all
10 discussion and testimony.†

11 (4) For ~~for~~ open meetings, members of the public
12 present at the ~~regular~~ meeting location of the body can
13 hear all discussion and testimony and all votes of the
14 members of the body, or ~~unless attendance at the regular~~
15 ~~meeting location is not feasible due to the disaster,~~
16 ~~including the issued disaster declaration, in which case~~
17 the public body makes arrangements and provides ~~must make~~
18 ~~alternative arrangements and provide~~ notice pursuant to
19 this subsection (e) ~~Section~~ of such ~~alternative~~
20 arrangements in a manner to allow any interested member of
21 the public access to contemporaneously hear all
22 discussion, testimony, and roll call votes, such as by
23 offering a telephone number or a web-based link, and to
24 provide a method and notice by which members of the public
25 may provide public comment or address the public body as
26 authorized by subsection (g) of Section 2.06, such as by

1 telephone or web-based link, or by email or written
2 comment to be read aloud at the meeting, consistent with
3 the public body's established and recorded rules for
4 public comment, and to be included in the meeting record.

5 (5) At ~~at~~ least one member of the body, its ~~chief~~ legal
6 counsel, or an ~~chief~~ administrative officer of the public
7 body is physically present at the ~~regular~~ meeting
8 location, ~~unless unfeasible due to the disaster, including~~
9 ~~the issued disaster declaration; and.~~

10 (6) All ~~all~~ votes are conducted by roll call, and ~~so~~
11 each member's vote on each issue is ~~can be~~ identified and
12 recorded.

13 (7) Except in the event of a bona fide emergency, 48
14 hours' notice shall be given of a meeting to be held
15 pursuant to this Section. Notice shall be given to all
16 members of the public body, shall be posted in compliance
17 with subsection (a) of Section 2.02 ~~on the website of the~~
18 ~~public body~~, and shall also be provided to any news media
19 who has requested notice of meetings pursuant to
20 subsection (a) of Section 2.02 of this Act. For a
21 determination made by a chief elected or appointed
22 official under subparagraph (B) of paragraph (1) of this
23 subsection (e), the meeting notice and agenda shall
24 include the following: (i) all information necessary for
25 the public to access the audio or video conference,
26 including, but not limited to, the telephone number,

1 web-based link, meeting identification number, passcode,
2 or other method to obtain access; and (ii) for meetings
3 conducted without the public present at the meeting
4 location pursuant to paragraphs (4) and (5) of this
5 subsection (e), all additional specific information
6 necessary for members of the public to provide public
7 comment or address the public body as authorized by
8 subsection (g) of Section 2.06, such as by telephone
9 number, web-based link, email, or written comment. If the
10 public body declares a bona fide emergency:

11 (A) Notice shall be given pursuant to subsection
12 (a) of Section 2.02 of this Act, and the presiding
13 officer shall state the nature of the emergency at the
14 beginning of the meeting.

15 (B) The public body must comply with the verbatim
16 recording requirements set forth in Section 2.06 of
17 this Act.

18 (8) Each member of the body participating in a meeting
19 by audio or video conference for a meeting held pursuant
20 to this Section shall be ~~is~~ considered present at the
21 meeting for purposes of determining a quorum and
22 participating in all proceedings.

23 (9) In addition to the requirements for open meetings
24 under Section 2.06, public bodies holding open meetings
25 under this subsection (e) must also keep a verbatim record
26 of all their meetings in the form of an audio or video

1 recording. Verbatim records made under this paragraph (9)
2 shall be made available to the public under, and are
3 otherwise subject to, the provisions of Section 2.06.

4 (10) A determination by the chief elected or appointed
5 official of the public body, consistent with subparagraph
6 (B) of paragraph (1) of this subsection (e), shall be
7 required for any subsidiary body of the public body to
8 conduct an open or closed meeting by audio or video
9 conference in accordance with this subsection (e).

10 (11) ~~(10)~~ The public body shall bear all costs
11 associated with compliance with this subsection (e).

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.