

HB3514



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3514

Introduced 2/17/2023, by Rep. Dan Caulkins

SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

Amends the Open Meetings Act. Provides that a public body shall not conduct a closed meeting by audio or video conference, and shall conduct such meetings only with the physical presence of a quorum of the members of the public body. Makes conforming changes.

LRB103 29481 DTM 55876 b

A BILL FOR

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

17 (2) the head of the public body as defined in
18 subsection (e) of Section 2 of the Freedom of Information
19 Act determines that an in-person meeting or a meeting
20 conducted under this Act is not practical or prudent
21 because of a disaster;

22 (3) all members of the body participating in the
23 meeting, wherever their physical location, shall be
24 verified and can hear one another and can hear all
25 discussion and testimony;

26 (4) for open meetings, members of the public present

1 at the regular meeting location of the body can hear all
2 discussion and testimony and all votes of the members of
3 the body, unless attendance at the regular meeting
4 location is not feasible due to the disaster, including
5 the issued disaster declaration, in which case the public
6 body must make alternative arrangements and provide notice
7 pursuant to this Section of such alternative arrangements
8 in a manner to allow any interested member of the public
9 access to contemporaneously hear all discussion,
10 testimony, and roll call votes, such as by offering a
11 telephone number or a web-based link;

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

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

20 (7) Except in the event of a bona fide emergency, 48
21 hours' notice shall be given of a meeting to be held
22 pursuant to this Section. Notice shall be given to all
23 members of the public body, shall be posted on the website
24 of the public body, and shall also be provided to any news
25 media who has requested notice of meetings pursuant to
26 subsection (a) of Section 2.02 of this Act. If the public

1 body declares a bona fide emergency:

2 (A) Notice shall be given pursuant to subsection
3 (a) of Section 2.02 of this Act, and the presiding
4 officer shall state the nature of the emergency at the
5 beginning of the meeting.

6 (B) The public body must comply with the verbatim
7 recording requirements set forth in Section 2.06 of
8 this Act.

9 (8) Each member of the body participating in a meeting
10 by audio or video conference for a meeting held pursuant
11 to this Section is considered present at the meeting for
12 purposes of determining a quorum and participating in all
13 proceedings.

14 (9) In addition to the requirements for open meetings
15 under Section 2.06, public bodies holding open meetings
16 under this subsection (e) must also keep a verbatim record
17 of all their meetings in the form of an audio or video
18 recording. Verbatim records made under this paragraph (9)
19 shall be made available to the public under, and are
20 otherwise subject to, the provisions of Section 2.06.

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

23 (f) Notwithstanding any other provision of law to the
24 contrary, on and after the effective date of this amendatory
25 Act of the 103rd General Assembly, a public body shall not
26 conduct a closed meeting by audio or video conference, and

1 shall conduct such meetings only with the physical presence of
2 a quorum of the members of the public body.

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