



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4231

Introduced 1/31/2024, by Rep. David Friess

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.01
5 ILCS 120/7

from Ch. 102, par. 42.01

Amends the Open Meetings Act. In a provision concerning the establishment of a quorum at an open meeting, specifies that a public body with a geographic jurisdiction of more than 4,500 square miles that is a local workforce investment area, tourism board, convention center board, or civic center board and that holds its open meetings by interactive video conference in public buildings throughout the State may count toward its establishment of a quorum those individuals who participate in those interactive video conferences. Specifies that a provision concerning the attendance of members of public bodies, at public meetings, by means other than their physical presence, does not apply to a public body with a geographic jurisdiction of more than 4,500 square miles that is a tourism board, convention center board, or civic center board. Currently, these two provisions are not applicable to tourism boards, convention center boards, or civic center boards.

LRB103 33231 DTM 63040 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 Sections 2.01 and 7 as follows:

6 (5 ILCS 120/2.01) (from Ch. 102, par. 42.01)

7 Sec. 2.01. All meetings required by this Act to be public
8 shall be held at specified times and places which are
9 convenient and open to the public. No meeting required by this
10 Act to be public shall be held on a legal holiday unless the
11 regular meeting day falls on that holiday.

12 Except as otherwise provided in this Act, a quorum of
13 members of a public body must be physically present at the
14 location of an open meeting. If, however, an open meeting of a
15 public body (i) with statewide jurisdiction, (ii) that is an
16 Illinois library system with jurisdiction over a specific
17 geographic area of more than 4,500 square miles, (iii) that is
18 a municipal transit district with jurisdiction over a specific
19 geographic area of more than 4,500 square miles, or (iv) a
20 public body that is a local workforce investment area with
21 jurisdiction over a specific geographic area of more than
22 4,500 square miles that is a local workforce investment area,
23 tourism board, convention center board, or civic center board

1 is held simultaneously at one of its offices and one or more
2 other locations in a public building, which may include other
3 of its offices, through an interactive video conference and
4 the public body provides public notice and public access as
5 required under this Act for all locations, then members
6 physically present in those locations all count towards
7 determining a quorum. "Public building", as used in this
8 Section, means any building or portion thereof owned or leased
9 by any public body. The requirement that a quorum be
10 physically present at the location of an open meeting shall
11 not apply, however, to State advisory boards or bodies that do
12 not have authority to make binding recommendations or
13 determinations or to take any other substantive action.

14 Except as otherwise provided in this Act, a quorum of
15 members of a public body that is not (i) a public body with
16 statewide jurisdiction, (ii) an Illinois library system with
17 jurisdiction over a specific geographic area of more than
18 4,500 square miles, (iii) a municipal transit district with
19 jurisdiction over a specific geographic area of more than
20 4,500 square miles, or (iv) a public body ~~a local workforce~~
21 ~~innovation area~~ with jurisdiction over a specific geographic
22 area of more than 4,500 square miles that is a local workforce
23 investment area, tourism board, convention center board, or
24 civic center board must be physically present at the location
25 of a closed meeting. Other members who are not physically
26 present at a closed meeting of such a public body may

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

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

8 (5 ILCS 120/7)

9 Sec. 7. Attendance by a means other than physical
10 presence.

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

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

23 (c) A majority of the public body may allow a member to
24 attend a meeting by other means only in accordance with and to
25 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) a public body ~~local workforce innovation areas~~ with
13 jurisdiction over a specific geographic area of more than
14 4,500 square miles that is a local workforce investment area,
15 tourism board, convention center board, or civic center board
16 or (ii) open or closed meetings of State advisory boards or
17 bodies that do not have authority to make binding
18 recommendations or determinations or to take any other
19 substantive action. State advisory boards or bodies, public
20 bodies with statewide jurisdiction, Illinois library systems
21 with jurisdiction over a specific geographic area of more than
22 4,500 square miles, municipal transit districts with
23 jurisdiction over a specific geographic area of more than
24 4,500 square miles, and local workforce investment areas with
25 jurisdiction over a specific geographic area of more than
26 4,500 square miles, however, may permit members to attend

1 meetings by other means only in accordance with and to the
2 extent allowed by specific procedural rules adopted by the
3 body. For the purposes of this Section, "local workforce
4 innovation area" means any local workforce innovation area or
5 areas designated by the Governor pursuant to the federal
6 Workforce Innovation and Opportunity Act or its reauthorizing
7 legislation.

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

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

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

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

1 discussion and testimony;

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

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

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

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

1 media who has requested notice of meetings pursuant to
2 subsection (a) of Section 2.02 of this Act. If the public
3 body declares a bona fide emergency:

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

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

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

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

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

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