



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5212

Introduced 2/9/2024, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

Amends the Open Meetings Act. Provides that an open or closed meeting subject to the Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, if the National Weather Service has determined that all or part of the jurisdiction of the public body is located within an area that is subject to a severe weather alert on the day of the meeting. Makes conforming changes.

LRB103 39466 MXP 69660 b

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; (iii) a family or other emergency; or (iv)
16 unexpected childcare obligations. "Other means" is by video or
17 audio conference.

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

22 (c) A majority of the public body may allow a member to
23 attend a meeting by other means only in accordance with and to

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

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

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

12 (1) (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 of a
15 disaster as defined in Section 4 of the Illinois Emergency
16 Management Agency Act, and all or part of the jurisdiction
17 of the public body is covered by the disaster area; or

18 (B) the National Weather Service has determined that
19 all or part of the jurisdiction of the public body is
20 located within an area that is subject to a severe weather
21 alert on the day of the meeting.

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

1 (3) all members of the body participating in the
2 meeting, wherever their physical location, shall be
3 verified and can hear one another and can hear all
4 discussion and testimony;

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

17 (5) at least one member of the body, chief legal
18 counsel, or chief administrative officer is physically
19 present at the regular meeting location, unless unfeasible
20 due to the disaster, including the issued disaster
21 declaration, or severe weather alert; and

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

25 (7) Except in the event of a bona fide emergency, 48
26 hours' notice shall be given of a meeting to be held

1 pursuant to this Section. Notice shall be given to all
2 members of the public body, shall be posted on the website
3 of the public body, and shall also be provided to any news
4 media who has requested notice of meetings pursuant to
5 subsection (a) of Section 2.02 of this Act. If the public
6 body declares a bona fide emergency:

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

11 (B) The public body must comply with the verbatim
12 recording requirements set forth in Section 2.06 of
13 this Act.

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

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

26 (10) The public body shall bear all costs associated

1 with compliance with this subsection (e).

2 (Source: P.A. 103-311, eff. 7-28-23.)