

SB2665



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2665

Introduced 1/10/2024, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

Amends the Open Meetings Act. Provides that, if a quorum of the members of the public body is physically present, a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of performance of active military duty as a service member. Defines "active military duty" and "service member".

LRB103 35673 AWJ 65748 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; (iii) a family or other emergency; ~~or~~ (iv)
16 unexpected childcare obligations; or (v) performance of active
17 military duty as a service member. "Other means" is by video or
18 audio conference. As used in this subsection:

19 "Active military duty" means service on active duty as a
20 member of the Armed Forces of the United States, the Illinois
21 National Guard, or any reserve component of the Armed Forces
22 of the United States.

23 "Service member" means a resident of Illinois who is a

1 member of any component of the U.S. Armed Forces or the
2 National Guard of any state, the District of Columbia, a
3 commonwealth, or a territory of the United States.

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

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

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

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

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

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

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

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

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

22 (5) at least one member of the body, chief legal
23 counsel, or chief administrative officer is physically
24 present at the regular meeting location, unless unfeasible
25 due to the disaster, including the issued disaster
26 declaration; and

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

4 (7) Except in the event of a bona fide emergency, 48
5 hours' notice shall be given of a meeting to be held
6 pursuant to this Section. Notice shall be given to all
7 members of the public body, shall be posted on the website
8 of the public body, and shall also be provided to any news
9 media who has requested notice of meetings pursuant to
10 subsection (a) of Section 2.02 of this Act. If the public
11 body declares a bona fide emergency:

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

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

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

24 (9) In addition to the requirements for open meetings
25 under Section 2.06, public bodies holding open meetings
26 under this subsection (e) must also keep a verbatim record

1 of all their meetings in the form of an audio or video
2 recording. Verbatim records made under this paragraph (9)
3 shall be made available to the public under, and are
4 otherwise subject to, the provisions of Section 2.06.

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

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