



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3411

Introduced 2/27/2007, by Rep. Joe Dunn

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02
5 ILCS 120/7

from Ch. 102, par. 41.02

Amends the Open Meetings Act. Removes electronic mail when used to set a meeting agenda as one of the means by which a gathering of a majority of a quorum of the members of a public body to discuss public business constitutes a meeting subject to the Act. Adds "vacation" to the list of reasons why a public body, required to have a quorum physically present at its meeting, may permit a member in excess of the quorum to attend by other means than physical presence. Provides that a member attending by other means due to vacation is not eligible to receive pay or compensation based on that attendance. Effective immediately.

LRB095 11428 JAM 32290 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 Sections 1.02 and 7 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering, whether in person or by
9 video or audio conference, telephone call, electronic means
10 (such as, without limitation, electronic mail (other than for
11 the setting of a meeting agenda), electronic chat, and instant
12 messaging), or other means of contemporaneous interactive
13 communication, of a majority of a quorum of the members of a
14 public body held for the purpose of discussing public business.

15 "Public body" includes all legislative, executive,
16 administrative or advisory bodies of the State, counties,
17 townships, cities, villages, incorporated towns, school
18 districts and all other municipal corporations, boards,
19 bureaus, committees or commissions of this State, and any
20 subsidiary bodies of any of the foregoing including but not
21 limited to committees and subcommittees which are supported in
22 whole or in part by tax revenue, or which expend tax revenue,
23 except the General Assembly and committees or commissions

1 thereof. "Public body" includes tourism boards and convention
2 or civic center boards located in counties that are contiguous
3 to the Mississippi River with populations of more than 250,000
4 but less than 300,000. "Public body" includes the Health
5 Facilities Planning Board. "Public body" does not include a
6 child death review team or the Illinois Child Death Review
7 Teams Executive Council established under the Child Death
8 Review Team Act or an ethics commission acting under the State
9 Officials and Employees Ethics Act.

10 (Source: P.A. 93-617, eff. 12-9-03; 94-1058, eff. 1-1-07.)

11 (5 ILCS 120/7)

12 Sec. 7. Attendance by a means other than physical presence.

13 (a) If a quorum of the members of the public body is
14 physically present as required by Section 2.01, a majority of
15 the public body may allow a member of that body to attend the
16 meeting by other means if the member is prevented from
17 physically attending because of: (i) personal illness or
18 disability; (ii) employment purposes or the business of the
19 public body; ~~or~~ (iii) a family or other emergency; or (iv)
20 vacation. "Other means" is by video or audio conference. If a
21 member attends a meeting by other means because the member is
22 on vacation, then the member is not eligible to receive any pay
23 or compensation based on that attendance.

24 (b) If a member wishes to attend a meeting by other means,
25 the member must notify the recording secretary or clerk of the

1 public body before the meeting unless advance notice is
2 impractical.

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

11 (d) The limitations of this Section shall not apply to (i)
12 closed meetings of public bodies with statewide jurisdiction or
13 (ii) open or closed meetings of State advisory boards or bodies
14 that do not have authority to make binding recommendations or
15 determinations or to take any other substantive action. State
16 advisory boards or bodies and public bodies with statewide
17 jurisdiction, however, may permit members to attend meetings by
18 other means only in accordance with and to the extent allowed
19 by specific procedural rules adopted by the body.

20 (Source: P.A. 94-1058, eff. 1-1-07.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.