



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0793

Introduced 2/9/2009, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.01
5 ILCS 120/7

from Ch. 102, par. 42.01

Amends the Open Meetings Act. Permits a public body with statewide jurisdiction or with jurisdiction over more than 4,500 square miles to include members participating in a video or audio conference at specified locations when determining the physical presence of a quorum at an open meeting (now, a public body with statewide jurisdiction may include members participating in a video conference at specified locations when determining the physical presence of a quorum at an open meeting). Provides that the requirement that members of a public body with less than statewide jurisdiction be physically present at a closed meeting is limited to public bodies with jurisdiction over 4,500 or fewer square miles. Effective immediately.

LRB096 04548 JAM 14603 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 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 A quorum of members of a public body must be physically
13 present at the location of an open meeting. If, however, an
14 open meeting of a public body (except one with jurisdiction
15 limited to a specific geographic area that is 4,500 or fewer
16 square miles ~~less than statewide~~) is held simultaneously at one
17 of its offices and one or more other locations in a public
18 building, which may include other of its offices, through an
19 interactive video or audio conference and the public body
20 provides public notice and public access as required under this
21 Act for all locations, then members physically present in those
22 locations all count towards determining a quorum. "Public
23 building", as used in this Section, means any building or

1 portion thereof owned or leased by any public body. The
2 requirement that a quorum be physically present at the location
3 of an open meeting shall not apply, however, to State advisory
4 boards or bodies that do not have authority to make binding
5 recommendations or determinations or to take any other
6 substantive action.

7 A quorum of members of a public body that is not a public
8 body with statewide jurisdiction or with jurisdiction over a
9 specific geographic area of more than 4,500 square miles must
10 be physically present at the location of a closed meeting.
11 Other members who are not physically present at a closed
12 meeting of such a public body may participate in the meeting by
13 means of a video or audio conference.

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

15 (5 ILCS 120/7)

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

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

25 (b) If a member wishes to attend a meeting by other means,

1 the member must notify the recording secretary or clerk of the
2 public body before the meeting unless advance notice is
3 impractical.

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

12 (d) The limitations of this Section shall not apply to (i)
13 closed meetings of public bodies with statewide jurisdiction or
14 with jurisdiction over a specific geographic area of more than
15 4,500 square miles or (ii) open or closed meetings of State
16 advisory boards or bodies that do not have authority to make
17 binding recommendations or determinations or to take any other
18 substantive action. State advisory boards or bodies and public
19 bodies with statewide jurisdiction or with jurisdiction over a
20 specific geographic area of more than 4,500 square miles,
21 however, may permit members to attend meetings by other means
22 only in accordance with and to the extent allowed by specific
23 procedural rules adopted by the body.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.