

# SB1263



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1263

Introduced 2/9/2017, by Sen. Michael Connelly

### SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.06

from Ch. 102, par. 42.06

Amends the Open Meetings Act. Specifies that at each regular or special meeting which is open to the public, any person shall have the opportunity to address public officials with comments or questions, subject to reasonable constraints. Provides that any answers to questions asked during the open meeting shall be provided by the public body within a reasonable amount of time not to exceed 45 days.

LRB100 09504 RJF 19668 b

A BILL FOR

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 Section 2.06 as follows:

6 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

7 Sec. 2.06. Minutes; right to speak.

8 (a) All public bodies shall keep written minutes of all  
9 their meetings, whether open or closed, and a verbatim record  
10 of all their closed meetings in the form of an audio or video  
11 recording. Minutes shall include, but need not be limited to:

12 (1) the date, time and place of the meeting;

13 (2) the members of the public body recorded as either  
14 present or absent and whether the members were physically  
15 present or present by means of video or audio conference;  
16 and

17 (3) a summary of discussion on all matters proposed,  
18 deliberated, or decided, and a record of any votes taken.

19 (b) A public body shall approve the minutes of its open  
20 meeting within 30 days after that meeting or at the public  
21 body's second subsequent regular meeting, whichever is later.  
22 The minutes of meetings open to the public shall be available  
23 for public inspection within 10 days after the approval of such

1 minutes by the public body. Beginning July 1, 2006, at the time  
2 it complies with the other requirements of this subsection, a  
3 public body that has a website that the full-time staff of the  
4 public body maintains shall post the minutes of a regular  
5 meeting of its governing body open to the public on the public  
6 body's website within 10 days after the approval of the minutes  
7 by the public body. Beginning July 1, 2006, any minutes of  
8 meetings open to the public posted on the public body's website  
9 shall remain posted on the website for at least 60 days after  
10 their initial posting.

11 (c) The verbatim record may be destroyed without  
12 notification to or the approval of a records commission or the  
13 State Archivist under the Local Records Act or the State  
14 Records Act no less than 18 months after the completion of the  
15 meeting recorded but only after:

16 (1) the public body approves the destruction of a  
17 particular recording; and

18 (2) the public body approves minutes of the closed  
19 meeting that meet the written minutes requirements of  
20 subsection (a) of this Section.

21 (d) Each public body shall periodically, but no less than  
22 semi-annually, meet to review minutes of all closed meetings.  
23 At such meetings a determination shall be made, and reported in  
24 an open session that (1) the need for confidentiality still  
25 exists as to all or part of those minutes or (2) that the  
26 minutes or portions thereof no longer require confidential

1 treatment and are available for public inspection. The failure  
2 of a public body to strictly comply with the semi-annual review  
3 of closed session written minutes, whether before or after the  
4 effective date of this amendatory Act of the 94th General  
5 Assembly, shall not cause the written minutes or related  
6 verbatim record to become public or available for inspection in  
7 any judicial proceeding, other than a proceeding involving an  
8 alleged violation of this Act, if the public body, within 60  
9 days of discovering its failure to strictly comply with the  
10 technical requirements of this subsection, reviews the closed  
11 session minutes and determines and thereafter reports in open  
12 session that either (1) the need for confidentiality still  
13 exists as to all or part of the minutes or verbatim record, or  
14 (2) that the minutes or recordings or portions thereof no  
15 longer require confidential treatment and are available for  
16 public inspection.

17 (e) Unless the public body has made a determination that  
18 the verbatim recording no longer requires confidential  
19 treatment or otherwise consents to disclosure, the verbatim  
20 record of a meeting closed to the public shall not be open for  
21 public inspection or subject to discovery in any administrative  
22 or judicial proceeding other than one brought to enforce this  
23 Act. In the case of a civil action brought to enforce this Act,  
24 the court, if the judge believes such an examination is  
25 necessary, must conduct such in camera examination of the  
26 verbatim record as it finds appropriate in order to determine

1 whether there has been a violation of this Act. In the case of  
2 a criminal proceeding, the court may conduct an examination in  
3 order to determine what portions, if any, must be made  
4 available to the parties for use as evidence in the  
5 prosecution. Any such initial inspection must be held in  
6 camera. If the court determines that a complaint or suit  
7 brought for noncompliance under this Act is valid it may, for  
8 the purposes of discovery, redact from the minutes of the  
9 meeting closed to the public any information deemed to qualify  
10 under the attorney-client privilege. The provisions of this  
11 subsection do not supersede the privacy or confidentiality  
12 provisions of State or federal law. Access to verbatim  
13 recordings shall be provided to duly elected officials or  
14 appointed officials filling a vacancy of an elected office in a  
15 public body, and access shall be granted in the public body's  
16 main office or official storage location, in the presence of a  
17 records secretary, an administrative official of the public  
18 body, or any elected official of the public body. No verbatim  
19 recordings shall be recorded or removed from the public body's  
20 main office or official storage location, except by vote of the  
21 public body or by court order. Nothing in this subsection (e)  
22 is intended to limit the Public Access Counselor's access to  
23 those records necessary to address a request for administrative  
24 review under Section 7.5 of this Act.

25 (f) Minutes of meetings closed to the public shall be  
26 available only after the public body determines that it is no

1 longer necessary to protect the public interest or the privacy  
2 of an individual by keeping them confidential, except that duly  
3 elected officials or appointed officials filling a vacancy of  
4 an elected office in a public body shall be provided access to  
5 minutes of meetings closed to the public. Access to minutes  
6 shall be granted in the public body's main office or official  
7 storage location, in the presence of a records secretary, an  
8 administrative official of the public body, or any elected  
9 official of the public body. No minutes of meetings closed to  
10 the public shall be removed from the public body's main office  
11 or official storage location, except by vote of the public body  
12 or by court order. Nothing in this subsection (f) is intended  
13 to limit the Public Access Counselor's access to those records  
14 necessary to address a request for administrative review under  
15 Section 7.5 of this Act.

16 (g) At each regular or special meeting which is open to the  
17 public, any ~~Any~~ person shall be permitted an opportunity to  
18 address public officials with comments or questions, subject to  
19 reasonable constraints, under the rules established and  
20 recorded by the public body. Answers to the questions asked  
21 during the meeting shall be provided by the public body within  
22 a reasonable amount of time not to exceed 45 days.

23 (Source: P.A. 99-515, eff. 6-30-16.)