



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB3994**

Introduced 2/28/2023, by Rep. Mark L. Walker

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

Amends the Open Meetings Act. Removes the condition that a disaster declaration related to public health concerns needs to be in effect to conduct meetings by audio or video conference without the physical presence of a quorum. Provides that the presiding officer shall give a reason why conducting an audio or video conference is in the best interest of the public body (instead of the nature of the emergency) at the beginning of the meeting. Makes conforming changes.

LRB103 30149 DTM 56573 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; or (iii) a family or other emergency. "Other  
16 means" is by video or audio conference.

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

21 (c) A majority of the public body may allow a member to  
22 attend a meeting by other means only in accordance with and to  
23 the extent allowed by rules adopted by the public body. The

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

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

1 body. For the purposes of this Section, "local workforce  
2 innovation area" means any local workforce innovation area or  
3 areas designated by the Governor pursuant to the federal  
4 Workforce Innovation and Opportunity Act or its reauthorizing  
5 legislation.

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

11 (1) (blank); ~~the Governor or the Director of the~~  
12 ~~Illinois Department of Public Health has issued a disaster~~  
13 ~~declaration related to public health concerns because of a~~  
14 ~~disaster as defined in Section 4 of the Illinois Emergency~~  
15 ~~Management Agency Act, and all or part of the jurisdiction~~  
16 ~~of the public body is covered by the disaster area;~~

17 (2) the head of the public body as defined in  
18 subsection (e) of Section 2 of the Freedom of Information  
19 Act determines that conducting an audio or video  
20 conference is in the best interest of the public body ~~that~~  
21 ~~an in-person meeting or a meeting conducted under this Act~~  
22 ~~is not practical or prudent because of a disaster;~~

23 (3) all members of the body participating in the  
24 meeting, wherever their physical location, shall be  
25 verified and can hear one another and can hear all  
26 discussion and testimony;

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

13          (5) at least one member of the body, chief legal  
14          counsel, or chief administrative officer is physically  
15          present at the regular meeting location, ~~unless unfeasible~~  
16          ~~due to the disaster, including the issued disaster~~  
17          ~~declaration~~; and

18          (6) (blank). ~~all votes are conducted by roll call, so~~  
19          ~~each member's vote on each issue can be identified and~~  
20          ~~recorded.~~

21          (7) Except in the event of a bona fide emergency, 48  
22          hours' notice shall be given of a meeting to be held  
23          pursuant to this Section. Notice shall be given to all  
24          members of the public body, shall be posted on the website  
25          of the public body, and shall also be provided to any news  
26          media who has requested notice of meetings pursuant to

1 subsection (a) of Section 2.02 of this Act. If the public  
2 body declares a bona fide emergency:

3 (A) Notice shall be given pursuant to subsection  
4 (a) of Section 2.02 of this Act, and the presiding  
5 officer shall state the reason why conducting an audio  
6 or video conference is in the best interest of the  
7 public body ~~nature of the emergency~~ at the beginning  
8 of the meeting.

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

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

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

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

1 (Source: P.A. 100-477, eff. 9-8-17; 101-640, eff. 6-12-20.)