



Sen. John J. Cullerton

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LRB094 04323 JAM 58092 a

1 AMENDMENT TO SENATE BILL 585

2 AMENDMENT NO. _____. Amend Senate Bill 585 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing
5 Sections 1.02, 2.01, 2.05, and 2.06 and by adding Section 7 as
6 follows:

7 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

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

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

16 "Public body" includes all legislative, executive,
17 administrative or advisory bodies of the State, counties,
18 townships, cities, villages, incorporated towns, school
19 districts and all other municipal corporations, boards,
20 bureaus, committees or commissions of this State, and any
21 subsidiary bodies of any of the foregoing including but not
22 limited to committees and subcommittees which are supported in
23 whole or in part by tax revenue, or which expend tax revenue,
24 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. 92-468, eff. 8-22-01; 93-617, eff. 12-9-03.)

11 (5 ILCS 120/2.01) (from Ch. 102, par. 42.01)

12 Sec. 2.01. All meetings required by this Act to be public
13 shall be held at specified times and places which are
14 convenient and open to the public. No meeting required by this
15 Act to be public shall be held on a legal holiday unless the
16 regular meeting day falls on that holiday.

17 A quorum of members of a public body must be physically
18 present at the location of an open meeting. If, however, an
19 open meeting of a public body with statewide jurisdiction is
20 held simultaneously in Chicago and Springfield through an
21 interactive video conference and the public body provides
22 public notice and public access as required under this Act for
23 both locations, then members physically present in Chicago or
24 Springfield all count towards determining a quorum. Other
25 members who are not physically present at the open meeting may
26 participate in the meeting and vote on all matters, if they are
27 voting members, by means of a video or audio conference. The
28 requirement that a quorum be physically present at the location
29 of an open meeting shall not apply, however, to State advisory
30 boards or bodies that do not have authority to make binding
31 recommendations or determinations or to take any other
32 substantive action.

33 A quorum of members of a public body that is not a public

1 body with statewide jurisdiction must be physically present at
2 the location of a closed meeting. Other members who are not
3 physically present at a closed meeting of such a public body
4 may participate in the meeting and vote on all matters, if they
5 are voting members, by means of a video or audio conference.

6 (Source: P.A. 88-621, eff. 1-1-95.)

7 (5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

8 Sec. 2.05. Recording meetings. Subject to the provisions of
9 Section 8-701 of the Code of Civil Procedure ~~"An Act in~~
10 ~~relation to the rights of witnesses at proceedings conducted by~~
11 ~~a court, commission, administrative agency or other tribunal in~~
12 ~~this State which are televised or broadcast or at which motion~~
13 ~~pictures are taken", approved July 14, 1953, as amended,~~ any
14 person may record the proceedings at meetings required to be
15 open by this Act by tape, film or other means. The authority
16 holding the meeting shall prescribe reasonable rules to govern
17 the right to make such recordings.

18 If a witness at any meeting required to be open by this Act
19 which is conducted by a commission, administrative agency or
20 other tribunal, refuses to testify on the grounds that he may
21 not be compelled to testify if any portion of his testimony is
22 to be broadcast or televised or if motion pictures are to be
23 taken of him while he is testifying, the authority holding the
24 meeting shall prohibit such recording during the testimony of
25 the witness. Nothing in this Section shall be construed to
26 extend the right to refuse to testify at any meeting not
27 subject to the provisions of Section 8-701 of the Code of Civil
28 Procedure ~~"An Act in relation to the rights of witnesses at~~
29 ~~proceedings conducted by a court, commission, administrative~~
30 ~~agency or other tribunal in this State which are televised or~~
31 ~~broadcast or at which motion pictures are taken", approved July~~
32 ~~14, 1953, as amended.~~

33 (Source: P.A. 82-378.)

1 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

2 Sec. 2.06. Minutes.

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

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

8 (2) the members of the public body recorded as either
9 present or absent and whether the members were physically
10 present or present by means of video or audio conference;

11 and

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

14 (b) The minutes of meetings open to the public shall be
15 available for public inspection within 7 days of the approval
16 of such minutes by the public body. Beginning July 1, 2006, at
17 the time it complies with the other requirements of this
18 subsection, a public body that has a website that the full-time
19 staff of the public body maintains shall post the minutes of a
20 regular meeting of its governing body open to the public on the
21 public body's website within 7 days of the approval of the
22 minutes by the public body. Beginning July 1, 2006, any minutes
23 of meetings open to the public posted on the public body's
24 website shall remain posted on the website for at least 60 days
25 after their initial posting.

26 (c) The verbatim record may be destroyed without
27 notification to or the approval of a records commission or the
28 State Archivist under the Local Records Act or the State
29 Records Act no less than 18 months after the completion of the
30 meeting recorded but only after:

31 (1) the public body approves the destruction of a
32 particular recording; and

33 (2) the public body approves minutes of the closed

1 meeting that meet the written minutes requirements of
2 subsection (a) of this Section.

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

25 (e) Unless the public body has made a determination that
26 the verbatim recording no longer requires confidential
27 treatment or otherwise consents to disclosure, the verbatim
28 record of a meeting closed to the public shall not be open for
29 public inspection or subject to discovery in any administrative
30 or judicial proceeding other than one brought to enforce this
31 Act. In the case of a civil action brought to enforce this Act,
32 the court, if the judge believes such an examination is
33 necessary, must conduct such in camera examination of the
34 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.

13 (f) Minutes of meetings closed to the public shall be
14 available only after the public body determines that it is no
15 longer necessary to protect the public interest or the privacy
16 of an individual by keeping them confidential.

17 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05; 94-28,
18 eff. 1-1-06; 94-542, eff. 8-10-05; revised 8-19-05.)

19 (5 ILCS 120/7 new)

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

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

29 (b) If a member wishes to attend a meeting by other means,
30 the member must notify the recording secretary or clerk of the
31 public body before the meeting unless advance notice is
32 impractical.

33 (c) A majority of the public body may allow a member to

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

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