

HB3032



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3032

Introduced 2/6/2025, by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02
5 ILCS 120/7

from Ch. 102, par. 41.02

Amends the Open Meetings Act. Provides that an advisory body may conduct an open or closed meeting by audio or video conference without the physical presence of a quorum of its members if certain conditions are met. Defines "advisory body" and "decision-making body". Makes technical changes.

LRB104 05558 BDA 15588 b

A BILL FOR

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 "Advisory body" includes any public body that supports and
9 advises a decision-making body on the implementation of
10 policies but does not make decisions to implement legislation
11 or policy over any part of the State.

12 "Decision-making body" includes any public body that makes
13 decisions to implement legislation or policy over any part of
14 this State.

15 "Meeting" means any gathering, whether in person or by
16 video or audio conference, telephone call, electronic means
17 (such as, without limitation, electronic mail, electronic
18 chat, and instant messaging), or other means of
19 contemporaneous interactive communication, of a majority of a
20 quorum of the members of a public body held for the purpose of
21 discussing public business or, for a 5-member public body, a
22 quorum of the members of a public body held for the purpose of
23 discussing public business.

1 Accordingly, for a 5-member public body, 3 members of the
2 body constitute a quorum and the affirmative vote of 3 members
3 is necessary to adopt any motion, resolution, or ordinance,
4 unless a greater number is otherwise required.

5 "Public body" includes all legislative, executive,
6 administrative or advisory bodies of the State, counties,
7 townships, cities, villages, incorporated towns, school
8 districts and all other municipal corporations, boards,
9 bureaus, committees or commissions of this State, and any
10 subsidiary bodies of any of the foregoing including but not
11 limited to committees and subcommittees which are supported in
12 whole or in part by tax revenue, or which expend tax revenue,
13 except the General Assembly and committees or commissions
14 thereof. "Public body" includes tourism boards and convention
15 or civic center boards located in counties that are contiguous
16 to the Mississippi River with populations of more than 250,000
17 but less than 300,000. "Public body" includes the Health
18 Facilities and Services Review Board. "Public body" does not
19 include a child death review team or the Illinois Child Death
20 Review Teams Executive Council established under the Child
21 Death Review Team Act, an ethics commission acting under the
22 State Officials and Employees Ethics Act, a regional youth
23 advisory board or the Statewide Youth Advisory Board
24 established under the Department of Children and Family
25 Services Statewide Youth Advisory Board Act, the Illinois
26 Independent Tax Tribunal, or the regional interagency fatality

1 review teams and the Illinois Fatality Review Team Advisory
2 Council established under the Adult Protective Services Act.

3 (Source: P.A. 103-626, eff. 1-1-25.)

4 (5 ILCS 120/7)

5 Sec. 7. Attendance by a means other than physical
6 presence.

7 (a) If a quorum of the members of the public body is
8 physically present as required by Section 2.01, a majority of
9 the public body may allow a member of that body to attend the
10 meeting by other means if the member is prevented from
11 physically attending because of: (i) personal illness or
12 disability; (ii) employment purposes or the business of the
13 public body; (iii) a family or other emergency; or (iv)
14 unexpected childcare obligations. "Other means" is by video or
15 audio conference.

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

20 (c) A majority of the public body may allow a member to
21 attend a meeting by other means only in accordance with and to
22 the extent allowed by rules adopted by the public body. The
23 rules must conform to the requirements and restrictions of
24 this Section, may further limit the extent to which attendance
25 by other means is allowed, and may provide for the giving of

1 additional notice to the public or further facilitate public
2 access to meetings.

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

1 Workforce Innovation and Opportunity Act or its reauthorizing
2 legislation.

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

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

14 (2) the head of the public body as defined in
15 subsection (e) of Section 2 of the Freedom of Information
16 Act determines that an in-person meeting or a meeting
17 conducted under this Act is not practical or prudent
18 because of a disaster;

19 (3) all members of the body participating in the
20 meeting, wherever their physical location, shall be
21 verified and can hear one another and can hear all
22 discussion and testimony;

23 (4) for open meetings, members of the public present
24 at the regular meeting location of the body can hear all
25 discussion and testimony and all votes of the members of
26 the body, unless attendance at the regular meeting

1 location is not feasible due to the disaster, including
2 the issued disaster declaration, in which ~~case~~ the public
3 body must make alternative arrangements and provide notice
4 pursuant to this Section of such alternative arrangements
5 in a manner to allow any interested member of the public
6 access to contemporaneously hear all discussion,
7 testimony, and roll call votes, such as by offering a
8 telephone number or a web-based link;

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

14 (6) all votes are conducted by roll call, and ~~so~~ each
15 member's vote on each issue can be identified and
16 recorded; ~~+~~

17 (7) except ~~Except~~ in the event of a bona fide
18 emergency, 48 hours' notice shall be given of a meeting to
19 be held pursuant to this Section; ~~+~~ notice ~~Notice~~ shall be
20 given to all members of the public body, shall be posted on
21 the website of the public body, and shall also be provided
22 to any news media who has requested notice of meetings
23 pursuant to subsection (a) of Section 2.02 of this Act; ~~+~~
24 if ~~if~~ the public body declares a bona fide emergency:

25 (A) notice ~~Notice~~ shall be given pursuant to
26 subsection (a) of Section 2.02 of this Act, and the

1 presiding officer shall state the nature of the
2 emergency at the beginning of the meeting; and -

3 (B) the ~~The~~ public body must comply with the
4 verbatim recording requirements set forth in Section
5 2.06 of this Act; -

6 (8) each ~~Each~~ member of the body participating in a
7 meeting by audio or video conference for a meeting held
8 pursuant to this Section is considered present at the
9 meeting for purposes of determining a quorum and
10 participating in all proceedings; -

11 (9) in ~~In~~ addition to the requirements for open
12 meetings under Section 2.06, public bodies holding open
13 meetings under this subsection (e) must also keep a
14 verbatim record of all their meetings in the form of an
15 audio or video recording; - verbatim ~~Verbatim~~ records made
16 under this paragraph (9) shall be made available to the
17 public under, and are otherwise subject to, the provisions
18 of Section 2.06; and -

19 (10) the ~~The~~ public body shall bear all costs
20 associated with compliance with this subsection (e).

21 (f) Subject to the requirements of Section 2.06 but
22 notwithstanding any other provision of law, an open or closed
23 meeting subject to this Act of an advisory body may be
24 conducted by audio or video conference, without the physical
25 presence of a quorum of the members, so long as the following
26 conditions are met:

1 (1) the members of the advisory body decide in a
2 majority vote to conduct the meeting by audio or video
3 conference in accordance with and to the extent allowed by
4 rules adopted by the advisory body;

5 (2) the advisory body provides for the giving of
6 additional notice to the public or further facilitates
7 public access to meetings;

8 (3) all members of the advisory body participating in
9 the meeting, wherever their physical location, shall be
10 verified and can hear one another and can hear all
11 discussion and testimony;

12 (4) for open meetings, members of the public present
13 at the regular meeting location of the advisory body can
14 hear all discussion and testimony and all votes of the
15 members of the body, unless attendance at the regular
16 meeting location is not feasible, in which case the public
17 body must make alternative arrangements and provide notice
18 pursuant to this Section of the alternative arrangements
19 in a manner to allow any interested member of the public
20 access to contemporaneously hear all discussion,
21 testimony, and roll call votes, such as by offering a
22 telephone number or a web-based link;

23 (5) at least one member of the advisory body, chief
24 legal counsel, or chief administrative officer is
25 physically present at the regular meeting location, unless
26 unfeasible;

1 (6) all votes are conducted by roll call, and each
2 member's vote on each issue can be identified and
3 recorded;

4 (7) 48 hours' notice shall be given of a meeting to be
5 held pursuant to this Section; notice shall be given to
6 all members of the public body, shall be posted on the
7 website of the public body, and shall also be provided to
8 any news media who has requested notice of meetings
9 pursuant to subsection (a) of Section 2.02 of this Act;
10 the public body must comply with the verbatim recording
11 requirements set forth in Section 2.06 of this Act;

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

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

24 (10) the advisory body shall bear all costs associated
25 with compliance with this subsection (f).

26 (Source: P.A. 103-311, eff. 7-28-23.)