

# HB4437



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4437

by Rep. Brad E. Halbrook

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.02

from Ch. 102, par. 42.02

Amends the Open Meetings Act. Deletes a provision which provided that if a notice or agenda is not continuously available for the required period due to actions outside of the control of the public body, then that lack of availability does not invalidate any meeting or action taken at a meeting. Effective immediately.

LRB098 15152 OMW 50128 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 Section 2.02 as follows:

6 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

7 Sec. 2.02. Public notice of all meetings, whether open or  
8 closed to the public, shall be given as follows:

9 (a) Every public body shall give public notice of the  
10 schedule of regular meetings at the beginning of each calendar  
11 or fiscal year and shall state the regular dates, times, and  
12 places of such meetings. An agenda for each regular meeting  
13 shall be posted at the principal office of the public body and  
14 at the location where the meeting is to be held at least 48  
15 hours in advance of the holding of the meeting. A public body  
16 that has a website that the full-time staff of the public body  
17 maintains shall also post on its website the agenda of any  
18 regular meetings of the governing body of that public body. Any  
19 agenda of a regular meeting that is posted on a public body's  
20 website shall remain posted on the website until the regular  
21 meeting is concluded. The requirement of a regular meeting  
22 agenda shall not preclude the consideration of items not  
23 specifically set forth in the agenda. Public notice of any

1 special meeting except a meeting held in the event of a bona  
2 fide emergency, or of any rescheduled regular meeting, or of  
3 any reconvened meeting, shall be given at least 48 hours before  
4 such meeting, which notice shall also include the agenda for  
5 the special, rescheduled, or reconvened meeting, but the  
6 validity of any action taken by the public body which is  
7 germane to a subject on the agenda shall not be affected by  
8 other errors or omissions in the agenda. The requirement of  
9 public notice of reconvened meetings does not apply to any case  
10 where the meeting was open to the public and (1) it is to be  
11 reconvened within 24 hours, or (2) an announcement of the time  
12 and place of the reconvened meeting was made at the original  
13 meeting and there is no change in the agenda. Notice of an  
14 emergency meeting shall be given as soon as practicable, but in  
15 any event prior to the holding of such meeting, to any news  
16 medium which has filed an annual request for notice under  
17 subsection (b) of this Section.

18 (b) Public notice shall be given by posting a copy of the  
19 notice at the principal office of the body holding the meeting  
20 or, if no such office exists, at the building in which the  
21 meeting is to be held. In addition, a public body that has a  
22 website that the full-time staff of the public body maintains  
23 shall post notice on its website of all meetings of the  
24 governing body of the public body. Any notice of an annual  
25 schedule of meetings shall remain on the website until a new  
26 public notice of the schedule of regular meetings is approved.

1 Any notice of a regular meeting that is posted on a public  
2 body's website shall remain posted on the website until the  
3 regular meeting is concluded. The body shall supply copies of  
4 the notice of its regular meetings, and of the notice of any  
5 special, emergency, rescheduled or reconvened meeting, to any  
6 news medium that has filed an annual request for such notice.  
7 Any such news medium shall also be given the same notice of all  
8 special, emergency, rescheduled or reconvened meetings in the  
9 same manner as is given to members of the body provided such  
10 news medium has given the public body an address or telephone  
11 number within the territorial jurisdiction of the public body  
12 at which such notice may be given. The failure of a public body  
13 to post on its website notice of any meeting or the agenda of  
14 any meeting shall not invalidate any meeting or any actions  
15 taken at a meeting.

16 (c) Any agenda required under this Section shall set forth  
17 the general subject matter of any resolution or ordinance that  
18 will be the subject of final action at the meeting. The public  
19 body conducting a public meeting shall ensure that at least one  
20 copy of any requested notice and agenda for the meeting is  
21 continuously available for public review during the entire  
22 48-hour period preceding the meeting. Posting of the notice and  
23 agenda on a website that is maintained by the public body  
24 satisfies the requirement for continuous posting under this  
25 subsection (c). ~~If a notice or agenda is not continuously~~  
26 ~~available for the full 48 hour period due to actions outside of~~

1 ~~the control of the public body, then that lack of availability~~  
2 ~~does not invalidate any meeting or action taken at a meeting.~~

3 (Source: P.A. 97-827, eff. 1-1-13.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.