

# HB0023



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB0023

Introduced 1/9/2025, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02  
5 ILCS 120/7

from Ch. 102, par. 41.02

Amends the Open Meetings Act. Defines the terms "bona fide emergency" and "exigent circumstances". Provides that, if a quorum of the members of a public body is physically present at a meeting, a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of, among other things, exigent circumstances concerning a family member (rather than because of, among other things, a family or other emergency). Makes technical changes.

LRB104 03138 BDA 13159 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 (Text of Section before amendment by P.A. 103-626)

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

9 "Bona fide emergency" means a disaster, an act of terror,  
10 or any other occurrence that the public body determines is a  
11 threat to the continuity of governmental operations or  
12 endangers the health or safety of the public.

13 "Exigent circumstances" means a situation requiring  
14 immediate attention, including, but not limited to, injury,  
15 sickness, loss of life, or damage to property.

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

1 discussing public business.

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

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

1 Independent Tax Tribunal.

2 (Source: P.A. 97-1129, eff. 8-28-12; 98-806, eff. 1-1-15.)

3 (Text of Section after amendment by P.A. 103-626)

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

5 "Bona fide emergency" means a disaster, an act of terror,  
6 or any other occurrence that the public body determines is a  
7 threat to the continuity of governmental operations or  
8 endangers the health or safety of the public.

9 "Exigent circumstances" means a situation requiring  
10 immediate attention, including, but not limited to, injury,  
11 sickness, loss of life, or damage to property.

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

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

25 "Public body" includes all legislative, executive,

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

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

1           Sec. 7. Attendance by a means other than physical  
2 presence.

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

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

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

25           (d) The limitations of this Section shall not apply to (i)  
26 closed meetings of (A) public bodies with statewide

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

25 (e) Subject to the requirements of Section 2.06 but  
26 notwithstanding any other provision of law, an open or closed

1 meeting subject to this Act may be conducted by audio or video  
2 conference, without the physical presence of a quorum of the  
3 members, so long as the following conditions are met:

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

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

15 (3) all members of the body participating in the  
16 meeting, wherever their physical location, shall be  
17 verified and can hear one another and can hear all  
18 discussion and testimony;

19 (4) for open meetings, members of the public present  
20 at the regular meeting location of the body can hear all  
21 discussion and testimony and all votes of the members of  
22 the body, unless attendance at the regular meeting  
23 location is not feasible due to the disaster, including  
24 the issued disaster declaration, in which case the public  
25 body must make alternative arrangements and provide notice  
26 pursuant to this Section of such alternative arrangements

1 in a manner to allow any interested member of the public  
2 access to contemporaneously hear all discussion,  
3 testimony, and roll call votes, such as by offering a  
4 telephone number or a web-based link;

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

10 (6) all votes are conducted by roll call, so each  
11 member's vote on each issue can be identified and  
12 recorded; ~~and~~

13 (7) except ~~Except~~ in the event of a bona fide  
14 emergency, 48 hours' notice is ~~shall be~~ given of a meeting  
15 to be held pursuant to this Section. Notice shall be given  
16 to all members of the public body, shall be posted on the  
17 website of the public body, and shall also be provided to  
18 any news media who has requested notice of meetings  
19 pursuant to subsection (a) of Section 2.02 of this Act. If  
20 the public body declares a bona fide emergency:

21 (A) notice is ~~Notice shall be~~ given pursuant to  
22 subsection (a) of Section 2.02 of this Act, and the  
23 presiding officer states ~~shall state~~ the nature of the  
24 emergency at the beginning of the meeting; and ~~and~~

25 (B) the ~~The~~ public body complies ~~must comply~~ with  
26 the verbatim recording requirements set forth in

1 Section 2.06 of this Act; ~~and~~ -

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

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

15 (10) the ~~The~~ public body bears ~~shall bear~~ all costs  
16 associated with compliance with this subsection (e).

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

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.