



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5329

Introduced 2/5/2010, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.01
5 ILCS 120/7

from Ch. 102, par. 42.01

Amends the Open Meetings Act. Permits a municipal transit district with jurisdiction over more than 4,500 square miles to include members participating in a video conference at specified locations when determining the physical presence of a quorum at an open meeting. Provides that the requirement that members of a public body with less than statewide jurisdiction be physically present at a closed meeting does not apply to a municipal transit district with jurisdiction over more than 4,500 square miles.

LRB096 19038 JAM 34429 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 Sections 2.01 and 7 as follows:

6 (5 ILCS 120/2.01) (from Ch. 102, par. 42.01)

7 Sec. 2.01. All meetings required by this Act to be public
8 shall be held at specified times and places which are
9 convenient and open to the public. No meeting required by this
10 Act to be public shall be held on a legal holiday unless the
11 regular meeting day falls on that holiday.

12 A quorum of members of a public body must be physically
13 present at the location of an open meeting. If, however, an
14 open meeting of a public body (i) with statewide jurisdiction,
15 ~~or~~ (ii) that is an Illinois library system with jurisdiction
16 over a specific geographic area of more than 4,500 square
17 miles, or (iii) that is a municipal transit district with
18 jurisdiction over a specific geographic area of more than 4,500
19 square miles is held simultaneously at one of its offices and
20 one or more other locations in a public building, which may
21 include other of its offices, through an interactive video
22 conference and the public body provides public notice and
23 public access as required under this Act for all locations,

1 then members physically present in those locations all count
2 towards determining a quorum. "Public building", as used in
3 this Section, means any building or portion thereof owned or
4 leased by any public body. The requirement that a quorum be
5 physically present at the location of an open meeting shall not
6 apply, however, to State advisory boards or bodies that do not
7 have authority to make binding recommendations or
8 determinations or to take any other substantive action.

9 A quorum of members of a public body that is not (i) a
10 public body with statewide jurisdiction, ~~or (ii) a public body~~
11 ~~that is~~ an Illinois library system with jurisdiction over a
12 specific geographic area of more than 4,500 square miles, or
13 (iii) a municipal transit district with jurisdiction over a
14 specific geographic area of more than 4,500 square miles must
15 be physically present at the location of a closed meeting.
16 Other members who are not physically present at a closed
17 meeting of such a public body may participate in the meeting by
18 means of a video or audio conference.

19 (Source: P.A. 96-664, eff. 8-25-09.)

20 (5 ILCS 120/7)

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

22 (a) If a quorum of the members of the public body is
23 physically present as required by Section 2.01, a majority of
24 the public body may allow a member of that body to attend the
25 meeting by other means if the member is prevented from

1 physically attending because of: (i) personal illness or
2 disability; (ii) employment purposes or the business of the
3 public body; or (iii) a family or other emergency. "Other
4 means" is by video or audio conference.

5 (b) If a member wishes to attend a meeting by other means,
6 the member must notify the recording secretary or clerk of the
7 public body before the meeting unless advance notice is
8 impractical.

9 (c) A majority of the public body may allow a member to
10 attend a meeting by other means only in accordance with and to
11 the extent allowed by rules adopted by the public body. The
12 rules must conform to the requirements and restrictions of this
13 Section, may further limit the extent to which attendance by
14 other means is allowed, and may provide for the giving of
15 additional notice to the public or further facilitate public
16 access to meetings.

17 (d) The limitations of this Section shall not apply to (i)
18 closed meetings of (A) public bodies with statewide
19 jurisdiction, (B) ~~or that are~~ Illinois library systems with
20 jurisdiction over a specific geographic area of more than 4,500
21 square miles, or (C) municipal transit districts with
22 jurisdiction over a specific geographic area of more than 4,500
23 square miles or (ii) open or closed meetings of State advisory
24 boards or bodies that do not have authority to make binding
25 recommendations or determinations or to take any other
26 substantive action. State advisory boards or bodies, ~~and~~ public

1 bodies with statewide jurisdiction, ~~or that are~~ Illinois
2 library systems with jurisdiction over a specific geographic
3 area of more than 4,500 square miles, and municipal transit
4 districts with jurisdiction over a specific geographic area of
5 more than 4,500 square miles, however, may permit members to
6 attend meetings by other means only in accordance with and to
7 the extent allowed by specific procedural rules adopted by the
8 body.

9 (Source: P.A. 96-664, eff. 8-25-09.)