

# HB4664



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

**HB4664**

by Rep. Margo McDermed

### SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.05

Amends the Open Meetings Act. Provides that an elected or appointed member of a public body who fails to complete training on compliance with the Open Meetings Act, within 30 days of receiving notice from the public body that he or she has failed to complete training, is disqualified from further service as a member of the public body.

LRB099 18976 RJF 43365 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 1.05 as follows:

6 (5 ILCS 120/1.05)

7 Sec. 1.05. Training.

8 (a) Every public body shall designate employees, officers,  
9 or members to receive training on compliance with this Act.  
10 Each public body shall submit a list of designated employees,  
11 officers, or members to the Public Access Counselor. Within 6  
12 months after the effective date of this amendatory Act of the  
13 96th General Assembly, the designated employees, officers, and  
14 members must successfully complete an electronic training  
15 curriculum, developed and administered by the Public Access  
16 Counselor, and thereafter must successfully complete an annual  
17 training program. Thereafter, whenever a public body  
18 designates an additional employee, officer, or member to  
19 receive this training, that person must successfully complete  
20 the electronic training curriculum within 30 days after that  
21 designation.

22 (b) Except as otherwise provided in this Section, each  
23 elected or appointed member of a public body subject to this

1 Act who is such a member on the effective date of this  
2 amendatory Act of the 97th General Assembly must successfully  
3 complete the electronic training curriculum developed and  
4 administered by the Public Access Counselor. For these members,  
5 the training must be completed within one year after the  
6 effective date of this amendatory Act.

7 Except as otherwise provided in this Section, each elected  
8 or appointed member of a public body subject to this Act who  
9 becomes such a member after the effective date of this  
10 amendatory Act of the 97th General Assembly shall successfully  
11 complete the electronic training curriculum developed and  
12 administered by the Public Access Counselor. For these members,  
13 the training must be completed not later than the 90th day  
14 after the date the member:

15 (1) takes the oath of office, if the member is required  
16 to take an oath of office to assume the person's duties as  
17 a member of the public body; or

18 (2) otherwise assumes responsibilities as a member of  
19 the public body, if the member is not required to take an  
20 oath of office to assume the person's duties as a member of  
21 the governmental body.

22 Each member successfully completing the electronic  
23 training curriculum shall file a copy of the certificate of  
24 completion with the public body.

25 Completing the required training as a member of the public  
26 body satisfies the requirements of this Section with regard to

1 the member's service on a committee or subcommittee of the  
2 public body and the member's ex officio service on any other  
3 public body.

4 The failure of one or more members of a public body to  
5 complete the training required by this Section does not affect  
6 the validity of an action taken by the public body. However, a  
7 member's failure to complete the training within 30 days of  
8 receiving notice from the public body that he or she has failed  
9 to complete training disqualifies the member from further  
10 service as a member of the public body.

11 An elected or appointed member of a public body subject to  
12 this Act who has successfully completed the training required  
13 under this subsection (b) and filed a copy of the certificate  
14 of completion with the public body is not required to  
15 subsequently complete the training required under this  
16 subsection (b).

17 (c) An elected school board member may satisfy the training  
18 requirements of this Section by participating in a course of  
19 training sponsored or conducted by an organization created  
20 under Article 23 of the School Code. The course of training  
21 shall include, but not be limited to, instruction in:

22 (1) the general background of the legal requirements  
23 for open meetings;

24 (2) the applicability of this Act to public bodies;

25 (3) procedures and requirements regarding quorums,  
26 notice, and record-keeping under this Act;

1           (4) procedures and requirements for holding an open  
2 meeting and for holding a closed meeting under this Act;  
3 and

4           (5) penalties and other consequences for failing to  
5 comply with this Act.

6           If an organization created under Article 23 of the School  
7 Code provides a course of training under this subsection (c),  
8 it must provide a certificate of course completion to each  
9 school board member who successfully completes that course of  
10 training.

11           (d) A commissioner of a drainage district may satisfy the  
12 training requirements of this Section by participating in a  
13 course of training sponsored or conducted by an organization  
14 that represents the drainage districts created under the  
15 Illinois Drainage Code. The course of training shall include,  
16 but not be limited to, instruction in:

17           (1) the general background of the legal requirements  
18 for open meetings;

19           (2) the applicability of this Act to public bodies;

20           (3) procedures and requirements regarding quorums,  
21 notice, and record-keeping under this Act;

22           (4) procedures and requirements for holding an open  
23 meeting and for holding a closed meeting under this Act;  
24 and

25           (5) penalties and other consequences for failing to  
26 comply with this Act.

1           If an organization that represents the drainage districts  
2 created under the Illinois Drainage Code provides a course of  
3 training under this subsection (d), it must provide a  
4 certificate of course completion to each commissioner who  
5 successfully completes that course of training.

6           (e) A director of a soil and water conservation district  
7 may satisfy the training requirements of this Section by  
8 participating in a course of training sponsored or conducted by  
9 an organization that represents soil and water conservation  
10 districts created under the Soil and Water Conservation  
11 Districts Act. The course of training shall include, but not be  
12 limited to, instruction in:

13                   (1) the general background of the legal requirements  
14 for open meetings;

15                   (2) the applicability of this Act to public bodies;

16                   (3) procedures and requirements regarding quorums,  
17 notice, and record-keeping under this Act;

18                   (4) procedures and requirements for holding an open  
19 meeting and for holding a closed meeting under this Act;  
20 and

21                   (5) penalties and other consequences for failing to  
22 comply with this Act.

23           If an organization that represents the soil and water  
24 conservation districts created under the Soil and Water  
25 Conservation Districts Act provides a course of training under  
26 this subsection (e), it must provide a certificate of course

1 completion to each director who successfully completes that  
2 course of training.

3 (f) An elected or appointed member of a public body of a  
4 park district, forest preserve district, or conservation  
5 district may satisfy the training requirements of this Section  
6 by participating in a course of training sponsored or conducted  
7 by an organization that represents the park districts created  
8 in the Park District Code. The course of training shall  
9 include, but not be limited to, instruction in:

10 (1) the general background of the legal requirements  
11 for open meetings;

12 (2) the applicability of this Act to public bodies;

13 (3) procedures and requirements regarding quorums,  
14 notice, and record-keeping under this Act;

15 (4) procedures and requirements for holding an open  
16 meeting and for holding a closed meeting under this Act;  
17 and

18 (5) penalties and other consequences for failing to  
19 comply with this Act.

20 If an organization that represents the park districts  
21 created in the Park District Code provides a course of training  
22 under this subsection (f), it must provide a certificate of  
23 course completion to each elected or appointed member of a  
24 public body who successfully completes that course of training.

25 (Source: P.A. 97-504, eff. 1-1-12; 97-1153, eff. 1-25-13;  
26 98-900, eff. 8-15-14.)