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SPRINGFIELD

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FILE NO. S-1440

LEGISLATIVE BRANCH:
Quorum For Meeting of Illinois
Energy Resources Commission

Honorable Daniel M. Pierce
Illinois State Representative
Chairman
Illinois Energy Resources Commission
612 South Second Street
Springfield, Illinois 62706

Dear Representative Pierce:

This responds to your letter wherein you advised that at a meeting of the Illinois Resources Commission a question was raised as to the number and category of members (legislative or public members) who must be present to constitute a quorum.

The Illinois Resources Commission is created by "AN ACT creating the Illinois Energy Resources Commission and defining its powers and duties" (Ill. Rev. Stat. 1977, ch. 96½, par. 101 et seq.). Section 1 of this Act (Ill. Rev. Stat. 1977, ch. 96½, par. 101) provides:

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"There is created the Illinois Energy Resources Commission, hereinafter in this Act called the Commission.

The Commission shall consist of 3 members of the House of Representatives and two public members all appointed by the Speaker of the House; 2 members of the House of Representatives and 2 public members all appointed by the Minority Leader of the House; 3 members of the Senate and two public members all appointed by the President of the Senate; 2 members of the Senate and 2 public members all appointed by the Minority Leader of the Senate.

The Commission shall select from its membership a Chairman who shall be a legislative member and any other officers it considers necessary. The Chairmanship of the Commission shall rotate biannually between the houses of the General Assembly in accordance with the appointment schedule set forth in Section 2 of this Act, except that the member of the General Assembly elected to be the first Chairman of the Commission shall be eligible to succeed himself for a second, consecutive term as Chairman.

The Commission shall meet at the call of the Chairman after due and reasonable notice to all Commission members, except that a majority of the Commission members may convene a meeting of the Commission in the event the Chairman refuses to do so."

Nowhere in this Act is there a statement as to the number of members who constitute a quorum. The Act also does not make a distinction between legislative and public members with reference to a quorum. Common law precedents are valid in Illinois if there is no pertinent statutory provision. One of these precedents is that a majority of the duly elected (or appointed) members of a governing body constitutes a quorum of that body, absent a specific statutory or constitutional provi-

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sion to the contrary. (Louke v. Woods (1853), 15 Ill. 256, 262-263; People ex rel. Compton v. Penn (1975), 33 Ill. App. 3d 372.) This was also my conclusion in opinion No. S-1123. (1976 Ill. Atty Gen. Op. 238.) Pursuant to the provisions of section 1 of "AN ACT creating the Illinois Energy Resources Commission, etc." (Ill. Rev. Stat. 1977, ch. 96½, par. 101), set forth above, there are 18 members of the Commission. There being no distinction between the members in this Act with reference to a quorum, and there being no statutory provision as to the number of members constituting a quorum, a majority of all of the duly appointed members of the Commission, or 10 members, constitutes a quorum, in my opinion. There does not have to be a majority of the legislative members present for a quorum, nor does there have to be a majority of the public members present for a quorum. It is sufficient if there is a majority of all of the members, or 10 in number.

Very truly yours,

A T T O R N E Y G E N E R A L