

# Legislative Analysis



## REMOTE PARTICIPATION OF MEMBER OF A PUBLIC BODY WITH A DISABILITY

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 870 (S-4) as passed by the Senate**  
**Sponsor: Sen. Sean McCann**  
**House Committee: Government Operations**  
**Senate Committee: Civil Rights, Judiciary, and Public Safety**  
**Complete to 12-11-24**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Senate Bill 870 would amend the Open Meetings Act to allow an appointed member of a public body who has a *disability to participate* remotely in a meeting of the public body upon request. The member would not be required to disclose the nature or extent of the disability. The member would have to be physically present in Michigan throughout the meeting. The allowed remote participation would apply only to members absent due to a disability (that is, those who do not have a disability could not also participate in the meeting electronically). These provisions would not apply to either of the following:

- A member elected directly by the electors to serve on the public body.
- A meeting of a state legislative body at which a *formal vote* is taken.

*Disability* would mean a determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic substantially limits one or more of the major life activities of that individual.

*Participate* (and participation) would include discussing, debating, or voting on a motion, proposal, recommendation, resolution, order, ordinance, bill, or any other measure on which a vote by members of the public body is required and by which the public body effectuates or formulates public policy.

*Formal vote* would mean a vote on a bill, amendment, resolution, motion, proposal, recommendation, or any other measure on which a vote by members of a state legislative body is required and by which the state legislative body effectuates or formulates public policy.

MCL 15.263a

### BACKGROUND:

The Open Meetings Act now allows meetings to be held electronically in circumstances that require accommodation of members who are absent due to military duty.

Provisions allowing meetings to be held electronically to accommodate members absent due to a medical condition were added to the act in 2020 and expired at the end of 2021.

The Open Meetings Act also now allows meetings of the following public bodies to be held electronically in all circumstances:

- A public body that is an agricultural commodity group (such as the Potato Industry Commission or the Michigan Bean Commission).
- A public body that is responsible for the investment, administration, or management of a municipal public employee retirement system.
- A public body that is a joint agency formed under the Michigan Energy Employment Act.

In addition to other requirements for meetings held under the Open Meetings Act, meetings held electronically must be conducted in a way that allows for two-way communication so that members of the public body can hear one another, public participants can hear the members, and the members of the public body and other public participants can hear public participants during a public comment period. A public body can use technology to allow for typed comments to be submitted by public participants and read to or shared with the members of the public body and other public participants. A public body cannot require a person to register or provide his or her name or other information as a condition of participating in or attending an electronic meeting, except for mechanisms established and required by the public body that are necessary to allow the person to participate in a public comment period.

The public body must post advance notice of a meeting held electronically in a publicly accessible place on its website, if it has an active official internet presence, at least 18 hours before the meeting starts. The notice must include explanations of why the public body is meeting electronically and how members of the public can participate in the meeting, how members of the public can contact members of the public body, and how persons with disabilities can participate in the meeting. If there is an agenda for the meeting, it must be made available to the public at least two hours before the start of the meeting.

#### **FISCAL IMPACT:**

Senate Bill 870 would have no fiscal impact on the state or local units of government.

Legislative Analyst: Rick Yuille  
Fiscal Analyst: Michael Cnossen

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.