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BILL ANALYSIS

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Senate Bill 870 (Substitute S-4 as passed by the Senate)
Sponsor: Senator Sean McCann
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 12-18-24

CONTENT

The bill would amend the Open Meetings Act to allow an appointed member of a public body who had a disability to fully participate in a meeting remotely upon request.

"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, but would not be limited to, 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.

The Open Meetings Act requires all meetings of a public body to be open to the public and held in a place available to the public. The Act allows a meeting of a public body to be held, in whole or in part, electronically by telephonic or video conferencing as prescribed by the Act *only in circumstances requiring accommodation of members absent due to military duty*. The Act exempts from this requirement a public body that is an agricultural commodity group, a public body that is responsible for a municipal public employee retirement system, or a public body that is a joint agency formed under Article 3 of the Michigan Energy Employment Act, all of which can accommodate remote meetings under any circumstances.

Under the bill, in addition to accommodating members absent due to military duty and subject to the exemptions for agricultural commodity groups, a public body responsible a municipal public employee retirement system, or a public body that is a joint agency formed under Article 3 of the Michigan Energy Employment Act, a meeting of a public body could be held, in whole or in part, electronically by telephonic or video conferencing as an accommodation to a member with a disability who requested remote access to fully participate in the meeting. All the following would have to apply for the meeting to be held remotely as provided above:

- The member with a disability would have to be an appointed member of a public body.
- The member with a disability would have to be physically present in the State.
- The member would have to be absent due to a disability.

The bill specifies that members without a disability could not participate or attend electronically. A member seeking an accommodation could not be required to disclose the nature or extent of the disability.

The bill would not apply to a member of a public body that was elected directly by electors to serve on the public body. It also would not apply to a meeting of a State Legislative body at which a formal vote was taken. "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

BRIEF RATIONALE

Generally, meetings subject to the Act must be open to the public, held in a place available to the public, and members must be present to participate, except for remote participation accommodating members absent due to active military duty. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, individuals with disabilities often face barriers to participation, including the need to arrange transportation and lack of accessibility to certain specialized tools that cannot be transported to meetings. It has been suggested to accommodate remote attendance for individuals with disabilities to better allow opportunities to participate in public bodies.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bobby Canell
Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.