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## BILL ANALYSIS



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Senate Bill 870 (as introduced 5-9-24)  
Sponsor: Senator Sean McCann  
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 9-23-24

**CONTENT****The bill would amend the Open Meetings Act to allow a member of a public body with 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" 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.

The Act specifies that except for those public bodies described above any member of the public body who is not on military duty or does not have a *medical condition* must be physically present at the meeting to participate. The bill would delete this provision.

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. The bill would specify that only those members absent due to military duty or a disability could attend and participate electronically. Any member who was not on military duty or did not have a disability would have to be physically present to attend and participate.

MCL 15.263a

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.