

SENATE BILL NO. 129

March 06, 2025, Introduced by Senators MCCANN, ANTHONY, CHANG, BAYER, KLINEFELT, POLEHANKI, SHINK, WOJNO, CHERRY and MCMORROW and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1976 PA 267, entitled
"Open meetings act,"
by amending section 3a (MCL 15.263a), as amended by 2023 PA 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3a. (1) A meeting of a public body held, in whole or in
2 part, electronically by telephonic or video conferencing in
3 compliance with this section and, except as otherwise required in
4 this section, all of the provisions of this act applicable to a
5 nonelectronic meeting, is permitted by this act in the following
6 circumstances:

1 (a) Before March 31, 2021 and retroactive to March 18, 2020,
2 any circumstances, including, but not limited to, any of the
3 circumstances requiring accommodation of absent members described
4 in section 3(2).

5 (b) Subject to subdivision (d), on and after March 31, 2021
6 through December 31, 2021, only those circumstances requiring
7 accommodation of absent members described in section 3(2). For the
8 purpose of permitting an electronic meeting due to a local state of
9 emergency or state of disaster, this subdivision applies only as
10 follows:

11 (i) To permit the electronic attendance of a member of the
12 public body who resides in the affected area.

13 (ii) To permit the electronic meeting of a public body that
14 usually holds its meetings in the affected area.

15 (c) Subject to subdivisions (d) ~~, (e), and (f),~~ **to (g)**, after
16 December 31, 2021, only in the circumstances requiring
17 accommodation of members absent due to military duty as described
18 in section 3(2).

19 (d) On and after March 31, 2021, for a public body that is an
20 agricultural commodity group, any circumstances, including, but not
21 limited to, any of the circumstances requiring accommodation of
22 absent members described in section 3(2). As used in this
23 subdivision, "agricultural commodity group" means any of the
24 following:

25 (i) A committee as that term is defined in section 2 of the
26 agricultural commodities marketing act, 1965 PA 232, MCL 290.652.

27 (ii) The state beef industry commission created in section 3 of
28 the beef industry commission act, 1972 PA 291, MCL 287.603.

29 (iii) The potato industry commission created in section 2 of

1 1970 PA 29, MCL 290.422.

2 (iv) The Michigan bean commission created in section 3 of 1965
3 PA 114, MCL 290.553.

4 (e) On and after ~~the effective date of the amendatory act that~~
5 ~~added this subdivision,~~ **February 13, 2024**, for a public body that
6 is responsible for the investment, administration, or management of
7 a municipal public employee retirement system, any circumstances,
8 including, but not limited to, any of the circumstances requiring
9 accommodation of absent members described in section 3(2). As used
10 in this subdivision, "municipal public employee retirement system"
11 means a retirement system as that term is defined in section 3 of
12 the protecting local government retirement and benefits act, 2017
13 PA 202, MCL 38.2803. A public body that is eligible to meet
14 remotely under this subdivision shall set and publish an attendance
15 policy that includes the determination of a quorum with 1 or more
16 members participating electronically.

17 (f) On and after ~~the effective date of the amendatory act that~~
18 ~~added this subdivision,~~ **February 13, 2024**, for a public body that
19 is a joint agency formed under article 3 of the Michigan energy
20 employment act of 1976, 1976 PA 448, MCL 460.831 to 460.848, any
21 circumstances, including, but not limited to, any of the
22 circumstances requiring accommodation of absent members described
23 in section 3(2). As used in this subdivision, "joint agency"
24 includes a joint agency's board of commissioners and any committee
25 of the joint agency.

26 (g) **Notwithstanding any other provision of this subsection, on**
27 **and after the effective date of the amendatory act that added this**
28 **subdivision, as an accommodation to a member with a disability who**
29 **requests remote access in order to fully participate in the**

1 meeting. A member who seeks an accommodation under this subdivision
2 must not be required to disclose the nature or extent of the
3 disability. This subdivision is subject to all of the following:

4 (i) Electronic attendance and participation under this
5 subdivision are permitted only if the member with a disability is
6 an appointed member of the public body. A member elected directly
7 by the electors to serve on the public body is not eligible for
8 electronic attendance and participation under this subdivision.

9 (ii) Electronic attendance and participation under this
10 subdivision are permitted only if the member with a disability is
11 physically present in this state throughout the meeting.

12 (iii) Electronic attendance and participation under this
13 subdivision apply only to those members absent due to a disability.
14 This subdivision does not authorize a member who does not have a
15 disability to participate electronically.

16 (iv) This subdivision does not apply to a meeting of a state
17 legislative body at which a formal vote is taken.

18 (v) As used in this subdivision:

19 (A) "Disability" means a determinable physical or mental
20 characteristic of an individual, which may result from disease,
21 injury, congenital condition of birth, or functional disorder, if
22 the characteristic substantially limits 1 or more of the major life
23 activities of that individual.

24 (B) "Formal vote" means that term as defined in section 3(12).

25 (C) "Participate" and "participation" include, but are not
26 limited to, discussing, debating, or voting on a motion, proposal,
27 recommendation, resolution, order, ordinance, bill, or any other
28 measure on which a vote by members of the public body is required
29 and by which the public body effectuates or formulates public

1 **policy.**

2 (2) A meeting of a public body held electronically under this
3 section must be conducted in a manner that permits 2-way
4 communication so that members of the public body can hear and be
5 heard by other members of the public body, and so that public
6 participants can hear members of the public body and can be heard
7 by members of the public body and other participants during a
8 public comment period. A public body may use technology to
9 facilitate typed public comments during the meeting submitted by
10 members of the public participating in the meeting that may be read
11 to or shared with members of the public body and other participants
12 to satisfy the requirement under this subsection that members of
13 the public be heard by others during the electronic meeting and the
14 requirement under section 3(5) that members of the public be
15 permitted to address the electronic meeting.

16 (3) Except as otherwise provided in ~~subsection~~ **subsections**
17 **(1)(g) and** (8), a physical place is not required for an electronic
18 meeting held under this section, and members of a public body and
19 members of the public participating electronically in a meeting
20 held under this section that occurs in a physical place are to be
21 considered present and in attendance at the meeting for all
22 purposes.

23 (4) If a public body directly or indirectly maintains an
24 official internet presence that includes monthly or more frequent
25 updates of public meeting agendas or minutes, the public body
26 shall, in addition to any other notices that may be required under
27 this act, post advance notice of a meeting held electronically
28 under this section on a portion of the public body's website that
29 is fully accessible to the public. The public notice on the website

1 must be included on either the homepage or on a separate webpage
2 dedicated to public notices for nonregularly scheduled or
3 electronic public meetings that is accessible through a prominent
4 and conspicuous link on the website's homepage that clearly
5 describes its purpose for public notification of nonregularly
6 scheduled or electronic public meetings. Subject to the
7 requirements of this section, any scheduled meeting of a public
8 body may be held as an electronic meeting under this section if a
9 notice consistent with this section is posted at least 18 hours
10 before the meeting begins. Notice of a meeting of a public body
11 held electronically must clearly explain all of the following:

12 (a) Why the public body is meeting electronically.

13 (b) How members of the public may participate in the meeting
14 electronically. If a telephone number, internet address, or both
15 are needed to participate, that information must be provided
16 specifically.

17 (c) How members of the public may contact members of the
18 public body to provide input or ask questions on any business that
19 will come before the public body at the meeting.

20 (d) How ~~persons~~**members of the public** with disabilities may
21 participate in the meeting.

22 (5) Beginning on October 16, 2020, if an agenda exists for an
23 electronic meeting held under this section by a public body that
24 directly or indirectly maintains an official internet presence that
25 includes monthly or more frequent updates of public meeting agendas
26 or minutes, the public body shall, on a portion of the website that
27 is fully accessible to the public, make the agenda available to the
28 public at least 2 hours before the electronic meeting begins. This
29 publication of the agenda does not prohibit subsequent amendment of

1 the agenda at the meeting.

2 (6) A public body shall not, as a condition of participating
3 in an electronic meeting of the public body held under this
4 section, require a person to register or otherwise provide the
5 person's name or other information or otherwise to fulfill a
6 condition precedent to attendance, other than mechanisms
7 established and required by the public body necessary to permit the
8 person to participate in a public comment period of the meeting.

9 (7) Members of the general public otherwise participating in a
10 meeting of a public body held electronically under this section are
11 to be excluded from participation in a closed session of the public
12 body held electronically during that meeting if the closed session
13 is convened and held in compliance with the requirements of this
14 act applicable to a closed session.

15 (8) At a meeting held under this section that accommodates
16 members absent due to military duty or a medical condition, only
17 those members absent due to military duty or a medical condition
18 may participate remotely. Any member who is not on military duty or
19 does not have a medical condition must be physically present at the
20 meeting to participate. This subsection does not apply to a meeting
21 of a public body held electronically under subsection (1)(d), (e),
22 or (f).