

SENATE BILL NO. 207

March 04, 2021, Introduced by Senator SCHMIDT and referred to the Committee on Government Operations.

A bill to amend 1976 PA 267, entitled
"Open meetings act,"
by amending section 3a (MCL 15.263a), as amended by 2020 PA 254.

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,~~ **June 30**, 2021 and retroactive to March
2 18, 2020, any circumstances, including, but not limited to, any of
3 the circumstances requiring accommodation of absent members
4 described in section 3(2).

5 (b) On and after ~~March 31,~~ **June 30**, 2021 through December 31,
6 2021, only those circumstances requiring accommodation of members
7 absent for the reasons described in section 3(2). For the purpose
8 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) After December 31, 2021, only in the circumstances
16 requiring accommodation of members absent due to military duty as
17 described in section 3(2).

18 (2) A meeting of a public body held electronically under this
19 section must be conducted in a manner that permits 2-way
20 communication so that members of the public body can hear and be
21 heard by other members of the public body, and so that public
22 participants can hear members of the public body and can be heard
23 by members of the public body and other participants during a
24 public comment period. A public body may use technology to
25 facilitate typed public comments during the meeting submitted by
26 members of the public participating in the meeting that may be read
27 to or shared with members of the public body and other participants
28 to satisfy the requirement under this subsection that members of
29 the public be heard by others during the electronic meeting and the

1 requirement under section 3(5) that members of the public be
2 permitted to address the electronic meeting.

3 (3) Except as otherwise provided in subsection (8), a physical
4 place is not required for an electronic meeting held under this
5 section, and members of a public body and members of the public
6 participating electronically in a meeting held under this section
7 that occurs in a physical place are to be considered present and in
8 attendance at the meeting for all purposes.

9 (4) If a public body directly or indirectly maintains an
10 official internet presence that includes monthly or more frequent
11 updates of public meeting agendas or minutes, the public body
12 shall, in addition to any other notices that may be required under
13 this act, post advance notice of a meeting held electronically
14 under this section on a portion of the public body's website that
15 is fully accessible to the public. The public notice on the website
16 must be included on either the homepage or on a separate webpage
17 dedicated to public notices for nonregularly scheduled or
18 electronic public meetings that is accessible through a prominent
19 and conspicuous link on the website's homepage that clearly
20 describes its purpose for public notification of nonregularly
21 scheduled or electronic public meetings. Subject to the
22 requirements of this section, any scheduled meeting of a public
23 body may be held as an electronic meeting under this section if a
24 notice consistent with this section is posted at least 18 hours
25 before the meeting begins. Notice of a meeting of a public body
26 held electronically must clearly explain all of the following:

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

28 (b) How members of the public may participate in the meeting
29 electronically. If a telephone number, internet address, or both

1 are needed to participate, that information must be provided
2 specifically.

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

6 (d) How persons with disabilities may participate in the
7 meeting.

8 (5) Beginning on the effective date of the amendatory act that
9 added this section, if an agenda exists for an electronic meeting
10 held under this section by a public body that directly or
11 indirectly maintains an official internet presence that includes
12 monthly or more frequent updates of public meeting agendas or
13 minutes, the public body shall, on a portion of the website that is
14 fully accessible to the public, make the agenda available to the
15 public at least 2 hours before the electronic meeting begins. This
16 publication of the agenda does not prohibit subsequent amendment of
17 the agenda at the meeting.

18 (6) A public body shall not, as a condition of participating
19 in an electronic meeting of the public body held under this
20 section, require a person to register or otherwise provide his or
21 her name or other information or otherwise to fulfill a condition
22 precedent to attendance, other than mechanisms established and
23 required by the public body necessary to permit the person to
24 participate in a public comment period of the meeting.

25 (7) Members of the general public otherwise participating in a
26 meeting of a public body held electronically under this section are
27 to be excluded from participation in a closed session of the public
28 body held electronically during that meeting if the closed session
29 is convened and held in compliance with the requirements of this

1 act applicable to a closed session.

2 (8) At a meeting held under this section that accommodates
3 members absent due to military duty or a medical condition, only
4 those members absent due to military duty or a medical condition
5 may participate remotely. Any member who is not on military duty or
6 does not have a medical condition must be physically present at the
7 meeting to participate.