

# HOUSE BILL NO. 5096

June 23, 2021, Introduced by Rep. Farrington and referred to the Committee on Financial Services.

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

1 circumstances:

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

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

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

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

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

19 (d) **On and after March 31, 2021 through December 31, 2026, for**  
20 **meetings of the Michigan state housing development authority held**  
21 **pursuant to section 21(5) of the state housing development**  
22 **authority act of 1966, 1966 PA 346, MCL 125.1421, any**  
23 **circumstances, including, but not limited to, any of the**  
24 **circumstances requiring accommodation of absent members described**  
25 **in section 3(2).**

26 (2) A meeting of a public body held electronically under this  
27 section must be conducted in a manner that permits 2-way  
28 communication so that members of the public body can hear and be  
29 heard by other members of the public body, and so that public

1 participants can hear members of the public body and can be heard  
2 by members of the public body and other participants during a  
3 public comment period. A public body may use technology to  
4 facilitate typed public comments during the meeting submitted by  
5 members of the public participating in the meeting that may be read  
6 to or shared with members of the public body and other participants  
7 to satisfy the requirement under this subsection that members of  
8 the public be heard by others during the electronic meeting and the  
9 requirement under section 3(5) that members of the public be  
10 permitted to address the electronic meeting.

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

17 (4) If a public body directly or indirectly maintains an  
18 official internet presence that includes monthly or more frequent  
19 updates of public meeting agendas or minutes, the public body  
20 shall, in addition to any other notices that may be required under  
21 this act, post advance notice of a meeting held electronically  
22 under this section on a portion of the public body's website that  
23 is fully accessible to the public. The public notice on the website  
24 must be included on either the homepage or on a separate webpage  
25 dedicated to public notices for nonregularly scheduled or  
26 electronic public meetings that is accessible through a prominent  
27 and conspicuous link on the website's homepage that clearly  
28 describes its purpose for public notification of nonregularly  
29 scheduled or electronic public meetings. Subject to the

1 requirements of this section, any scheduled meeting of a public  
2 body may be held as an electronic meeting under this section if a  
3 notice consistent with this section is posted at least 18 hours  
4 before the meeting begins. Notice of a meeting of a public body  
5 held electronically must clearly explain all of the following:

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

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

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

14 (d) How persons with disabilities may participate in the  
15 meeting.

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

26 (6) A public body shall not, as a condition of participating  
27 in an electronic meeting of the public body held under this  
28 section, require a person to register or otherwise provide his or  
29 her name or other information or otherwise to fulfill a condition

1 precedent to attendance, other than mechanisms established and  
2 required by the public body necessary to permit the person to  
3 participate in a public comment period of the meeting.

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

10 (8) At a meeting held under this section that accommodates  
11 members absent due to military duty or a medical condition, only  
12 those members absent due to military duty or a medical condition  
13 may participate remotely. Any member who is not on military duty or  
14 does not have a medical condition must be physically present at the  
15 meeting to participate.