

SUMMARY ANALYSIS OF AMENDED BILL

Author: Eng Analyst: Deborah Barrett Bill Number: AB 1494
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: June 4, 2009
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Public Meetings. Majority Of State Body Members Shall Not Outside Of Meeting Use Series Of Communications To Discuss, Deliberate, Or Take Action On Any Item Within Subject Matter Of State Body

- DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
- AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the previous analysis of bill as introduced/amended _____.
- FURTHER AMENDMENTS NECESSARY.
- DEPARTMENT POSITION CHANGED TO _____.
- REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED
- April 13, 2009, STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would prohibit a majority of members of a state body from using, outside an authorized meeting, a series of communications to discuss, deliberate, or take action on any item of business that is within the subject matter of that state body.

SUMMARY OF AMENDMENTS

The June 4, 2009, amendments would clarify that certain conversations between a member of a state body and any other person are excluded from the prohibitions of the Bagley-Keene Open Meeting Act regarding a series of conversations so long as those series of conversations do not discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. The "This Bill" discussion has been revised. The remainder of the department's analysis of the bill as amended April 13, 2009, still applies.

POSITION

Pending.

Board Position:	Asst. Legislative Director	Date
<input type="checkbox"/> S		
<input type="checkbox"/> SA		
<input type="checkbox"/> N		
<input type="checkbox"/> NA		
<input type="checkbox"/> O		
<input type="checkbox"/> OUA		
<input type="checkbox"/> NP		
<input type="checkbox"/> NAR		
<input checked="" type="checkbox"/> PENDING	Patrice Gau-Johnson	06/23/09

THIS BILL

This bill would repeal existing provisions that prohibit direct communication, personal intermediaries, or technological devices that are employed by a majority of the members of a state body to develop a collective concurrence as to action to be taken on a business item by the members of the state body.

The bill would prohibit a majority of the members of a state body, outside of an authorized meeting, from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. The bill's provisions would not prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting with members of a legislative body to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate the comments or position of any other member or members of the legislative body to members of the legislative body. The bill would clarify that conversations between a member of a state body and any other person are excluded from prohibitions of the Bagley-Keene Open Meeting Act so long as those conversations do not result in a series of conversation to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

The bill would make other nonsubstantive technical changes to the Government Code.

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