



Bill Analysis

Author: Fong

Sponsor:

Bill Number: AB 1795

Related Bills: See Legislative
History

Introduced: February 7, 2022

SUBJECT

Bagley-Keene Open Meeting Act-Remote Participation

SUMMARY

This bill would, under the Government Code (GC), modify provisions of the Bagley-Keene Open Meeting Act (Bagley-Keene Act) to require state bodies to allow all persons to participate in state meetings from both a remote location and in-person, and to allow members of the public to directly address the state body from both a remote location and in-person; and would make a technical correction relating to California Victim Compensation Board hearings.

This is the department's first analysis of the bill and only addresses the provisions of the bill that would impact the department.

RECOMMENDATION

No position.

SUMMARY OF AMENDMENTS

Not applicable.

REASON FOR THE BILL

The reason for the bill is to allow public participation from a remote location other than the location provided for in the meeting agenda.

ANALYSIS

With respect to all state body meetings, this bill would modify the current requirements of the Bagley-Keene Act under the GC, to require all state bodies to allow all persons to participate in meetings either in-person or by remote participation. The bill would also require all state bodies to provide members of the public the opportunity to address them directly either in-person or by remote participation.

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Remote participation would mean participation in a meeting at a location other than the physical location designated in the meeting agenda via electronic communication.

Effective/Operative Date

This bill would be effective and operative January 1, 2023.

Federal/State Law

Federal Law

Various federal statutes establish open meeting requirements for federal agencies. Agencies may publish notices of upcoming meetings and hearings in the Federal Register. The Federal Advisory Committee Act, which became law in 1972, applies to government committees that advise the President and executive agencies on specific matters. Most federal agencies are subject to the open meeting provisions of the Government in the Sunshine Act, passed in 1976. This law requires "every portion of every meeting of an agency to be open to public observation." The exemptions to this requirement include matters of national defense, internal agency matters, and matters covered by privacy statutes.

State Law

The preamble of the Bagley-Keene Act of 1967, officially known as the Bagley-Keene Open Meeting Act, provides that it is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed. The Bagley-Keene Act implements a provision of the California Constitution that states that meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny, and explicitly mandates open meetings for California State bodies, including certain agencies, boards, and commissions. The act facilitates accountability and transparency of government activities and protects the rights of citizens to participate in State government deliberations.

Under the Bagley-Keene Act, as set forth in GC sections 11120-11132, all state boards and commissions have essentially three duties. First, to give timely and sufficient public notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized.

If a state body elects to conduct a meeting or proceeding by teleconference, it must post agendas at all teleconference locations and conduct teleconference meetings or proceedings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location must be

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identified in the meeting notice and meeting agenda, and each teleconference location must be accessible to the public. The meeting agenda must provide an opportunity for members of the public to address the state body directly at each teleconference location.

Implementation Considerations

None noted.

Technical Considerations

None noted.

Policy Considerations

None noted.

LEGISLATIVE HISTORY

AB 885 (Quirk, 2021/2022) would have, under the GC, modified provisions of the Bagley-Keene Act to require a state body that elected to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. AB 885 did not pass out of the Assembly Governmental Organization Committee by the constitutional deadline.

AB 1733 (Quirk, 2021/2022), under the GC, would modify provisions of the Bagley-Keene Act to require public meetings to be held by teleconference, modify the definition of a "meeting," revise public noticing requirements, add requirements should remote teleconferencing fail, and make other nonsubstantive technical changes; and would, under the Business and Professions Code, modify licensing board meeting requirements for the Department of Consumer Affairs. AB 1733 has been referred to the Assembly Governmental Organization Committee and the Business and Professions Committee.

AB 1291 (Frazier, Chapter 63, Statutes of 2021), under the GC, modified provisions of the Bagley-Keene Act to require a state body to allow at least twice the allotted time for public comment to a member of the public who utilizes translating technology; and made other nonsubstantive technical changes.

AB 2958 (Quirk, Chapter 881, Statutes of 2018), under the GC, modified provisions of the Bagley-Keene Act to authorize members of a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body that has no rule-making authority to attend meetings remotely via teleconference, as specified, provided the meeting complies with all other applicable requirements of the Bagley-Keene Act.

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PROGRAM BACKGROUND

None noted.

FISCAL IMPACT

Because the department currently provides remote participation in meetings, if enacted, this bill would not significantly impact the department's costs.

ECONOMIC IMPACT

Revenue Estimate

This bill, as introduced on February 7, 2022, would not impact state income or franchise tax revenue.

LEGAL IMPACT

None noted.

APPOINTMENTS

None noted.

SUPPORT/OPPOSITION

To be determined.

ARGUMENTS

To be determined.

LEGISLATIVE CONTACT

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