



Bill Analysis

Author: Laird

Sponsor:

Bill Number: SB 470

Related Bills: See Legislative
History

Introduced: February 19, 2025,
Amended: April 10, 2025

SUBJECT

Bagley-Keene Open Meeting Act-Teleconferencing

SUMMARY

This bill, under the Government Code (GOV), would extend the repeal date to January 1, 2030, for provisions of the Bagley-Keene Open Meeting Act (Bagley-Keene Act) related to meetings conducted by teleconference with remote participation by a member of the state body.

This is the Franchise Tax Board's (FTB) first analysis of the bill and only addresses the provisions that would impact the FTB.

RECOMMENDATION

No position—The three-member Franchise Tax Board has not formally voted or taken a position on this bill.

SUMMARY OF AMENDMENTS

The April 10, 2025, amendments replaced the removal of the repeal date with a repeal date of January 1, 2030.

REASON FOR THE BILL

The reason for the bill is to promote public access to state board and commission meetings.

ANALYSIS

This bill, under the GOV, would extend the repeal date of January 1, 2026, to January 1, 2030, for the provisions of the Bagley-Keene Act related to meetings conducted by teleconference. Therefore, this bill extends the alternative provisions that allow state bodies to conduct meetings by teleconference with a state body member participating from a remote location.

Effective/Operative Date

This bill would be effective and operative on January 1, 2026.

*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 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 set forth in GOV 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.

The Bagley-Keene Act provides that a "meeting" includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. In general, meetings of a state body must be open and public, and persons must be allowed to attend any meeting of a state body.

The Bagley-Keene Act also provides that a state body, including an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body, can hold an open or closed meeting by teleconference for the benefit of the public and state, if the meeting complies with all requirements as applicable to other meetings, including the following:

- Any portion of a teleconferenced meeting that is required to be open to the public must be audible to the public at the location specified in the meeting notice.
- If the state body conducts a meeting or proceeding by teleconference, it must post agendas at all teleconference locations and conduct the teleconference meetings 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 identified in the posted notice and agenda and be accessible to the public.
- The agenda must provide an opportunity for members of the public to address the state body at each teleconference location.
- All votes must be done by rollcall.
- Any closed portion of the teleconferenced meeting may not include consideration of any of the open meeting agenda items.
- At least one member of the state body must be physically present at the noticed location.

For these purposes, “teleconference” means a meeting of a state body, where members are at different locations, connected by electronic means, through either audio, or both audio and video. The Bagley-Keene Act related to meetings conducted by teleconference also provides that remote participation by a member of the state body is allowed. This does not prohibit a state body from providing members of the public with additional locations to observe or address the state body by electronic means.

Effective January 1, 2024, state bodies may conduct meetings by teleconference with a state body member participating from a remote location. A state body may hold an open or closed meeting by teleconference with remote participation by a member of the state body if certain requirements are met. The meeting would still need to abide by existing requirements and in addition, would need to satisfy the following:

- Provide the public with equal access to audio and video of the proceedings.
- Provide a telephone number, website, or online platform with information on how to participate remotely.
- The agenda must allow public comments before or during discussion.
- At least one member of the state body must be physically present at each teleconference location and all votes are to be recorded by rollcall.
- Publicly report all actions taken and votes.

Members of the public may be allowed to observe and address teleconference meetings electronically. State bodies are required to provide reasonable accommodations for people with disabilities. Additionally, state bodies must implement a procedure for addressing accessibility requests and advertise this procedure whenever meeting notices are issued.

The majority of the members are required to be physically present at a teleconference location, but additional members may participate remotely. If a member has a disability related need and notifies the body, their remote participation will count towards the majority. Members wishing to participate remotely, must provide a brief description of the reason and it must be approved by the board. Members participating remotely, are required to disclose the relationship of anyone present who is 18 years or older. A member must appear on camera at all times, unless they are having connectivity issues. If a member must turn off their camera, a reason must be announced.

In the case where remote participation fails, a state body may end or adjourn a meeting, and must notify attendees on its website and by email. If the meeting, adjourns or reconvenes the same day, notice should be given by automated phone message, website or similar means, providing specific information how the public can access the meeting.

The provisions that allow for teleconferencing and remote participation by a member of the state body will remain in effect until January 1, 2026, and as of that date is repealed.

Implementation Considerations

None noted.

Technical Considerations

None noted.

Policy Considerations

None noted.

LEGISLATIVE HISTORY

SB 143 (Senate Committee on Budget and Fiscal Review, Chapter 196, Statutes of 2023), among other things, provides a temporary statutory exception for certain rules applicable to state bodies in California that hold public meetings through teleconferencing.

SB 544 (Laird, Chapter 216, Statutes of 2023), under the GOV, added a provision to the Bagley-Keene Act related to meetings conducted by teleconference with remote participation by a member of the state body and made other modifications to the Bagley-Keene Act.

SB 189 (Senate Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2022), under multiple California codes, among other things, provided a temporary statutory exception for state bodies in California to hold public meetings through teleconferencing, such as phone or video calls, instead of in-person gatherings, as specified, effective June 30, 2022, and repealed as of July 1, 2023.

AB 143 (Assembly Committee on Budget, 2023/2024), companion bill to SB 143 (Senate Committee on Budget and Fiscal Review, Chapter 196, Statutes of 2023), did not pass out of the Senate Budget and Fiscal Review Committee because SB 143 moved forward.

AB 885 (Quirk, 2021/2022) would have, under the GOV, 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) would have, under the GOV, modified provisions of the Bagley-Keene Act to require public meetings to be held by teleconference, modified the definition of a "meeting," revised public noticing requirements, added requirements should remote teleconferencing fail, and made other nonsubstantive technical changes; and would have, under the Business and Professions Code, modified licensing board meeting requirements for the Department of Consumer Affairs. AB 1733 did not pass out of the Assembly Governmental Organization Committee by the constitutional deadline.

AB 1795 (Fong, 2021/2022) would have, under the GOV, modified provisions of the 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 have made a technical correction relating to California Victim Compensation Board hearings. AB 1795 did not pass out of the Assembly Governmental Organization Committee.

PROGRAM BACKGROUND

None noted.

OTHER STATES' INFORMATION

None noted.

FISCAL IMPACT

FTB's costs to implement this bill have yet to be determined. As the bill moves through the legislative process, costs will be determined.

ECONOMIC IMPACT*Revenue Estimate*

This bill as amended April 10, 2025, would not impact state income or franchise tax revenue.

LEGAL IMPACT

None noted.

EQUITY IMPACT

None noted.

APPOINTMENTS

None noted.

SUPPORT/OPPOSITION

Senate Floor Analysis dated April 30, 2025.

Support

AARP; Alzheimer's Association; Alzheimer's Greater Los Angeles; Alzheimer's Orange County; Alzheimer's San Diego; Association of California State Employees With Disabilities; Association of Regional Center Agencies; California Association of Licensed Investigators; California Coalition on Family Caregiving; California Commission on Aging; California Foundation for Independent Living Centers; California Long Term Care Ombudsman Association; Disability Rights California; DMS Registered Service Agency Advisory Committee; Easterseals Northern California; Family Caregiver Alliance; LeadingAge California; Little Hoover Commission; and State Council on Developmental Disabilities.

Opposition

ACLU California Action; California Broadcasters Association; California Chamber of Commerce; California Common CAUSE; California News Publishers Association; CCNMA: Latino Journalists of California; First Amendment Coalition; Freedom of the Press Foundation; Howard Jarvis Taxpayers Association; League of Women Voters of California; ; Media Guild of the West; National Press Photographers Association; Orange County Press Club; Pacific Media Workers Guild; Radio Television Digital News Association; and Society of Professional Journalists, Northern California Chapter.

ARGUMENTS

Senate Floor Analysis dated April 30, 2025.

Support

AARP California writes in support:

Limiting participation to those who can attend to in-person only (or to an approved physical location) poses a barrier to equitable participation in public debate and discussion for many older Californians, persons with disabilities, and Californians living in remote areas. AARP views this as an issue of both equity and access, and our policy supports removing unnecessary barriers to participation on boards and commissions for individuals representing under-served communities.

Opposition

A coalition of opponents jointly write in opposition:

The stated goal of being able to attract more people to serve in public office is no reason to remove accountability protections. These multi-member bodies, including those that are advisory, wield immense power, influencing policy and priorities in our state.

For example, the Peace Officer Standards Accountability Advisory Board created by SB 2, signed into law in 2021 to bring more accountability to policing in California, is tasked with reviewing and recommending when law enforcement officers should be stripped of their badges. This is a process that all stakeholders – impacted families, officers, and the leadership of the agencies that employ them – should be able to observe and engage in. But by virtue of being ‘advisory’ in nature, this important board could arguably avail itself to these relaxed rules and hold these decertification investigations entirely virtually. That which deprives the public a chance to attend, engage, and interact face-to-face with members of that body and those who testify. That is just one example of the types of weighty subject matters handled by state legislative bodies governed by Bagley-Keene.

Further, we urge you to consider a more narrowly tailored approach, such as the framework introduced by Assemblymember Blanca Rubio in AB 2449 of 2022, Brown Act legislation that allows members of local government bodies to participate virtually from private locations when the need for that flexibility is tied to specific hardships, such as health issues or caregiving needs, subject to reasonable caps and other modest provisions that serve the public interest.

LEGISLATIVE CONTACT

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