

ITEM 8

LEGISLATIVE UPDATE

Commission staff continues to monitor legislation for bills that might affect the mandates process.

SB 189 State Government

On June 30, 2022, SB 189, a budget trailer bill, was approved by the Governor, chaptered by the Secretary of State, and is effective immediately. As relevant to the Commission, this bill amends provisions of the Bagley-Keene Open Meeting Act to extend the ability of State agencies to conduct public meetings remotely through July 1, 2023.

Existing law, the Bagley-Keene Open Meeting Act, requires with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

Among other things, this bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided.

This bill would repeal those provisions as of July 1, 2023.

AB 1610 State mandates: claims

AB 1610 was introduced by Assembly Member Lackey on January 5, 2022 and was referred to the Assembly Committee on Local Government on January 14, 2022 and no action has since been taken on it.

The California Constitution requires, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state to

provide a subvention of funds to reimburse the local government, unless an exception applies. Statutory provisions that establish procedures for making that reimbursement include a requirement that no claim shall be made or paid unless it exceeds \$1,000. This bill would amend Government code section 17564 to lower the minimum amount to \$800.

This bill contains the similar language to the member's 2021 bill, AB 1013 State mandates: claims, which staff tracked last year and the member's 2020 spot bill, AB 2395 State mandates: claims, which staff tracked the previous year. According to the author's office, they will not be moving forward with this bill.

This bill has not had a hearing and has not made it out of its house of origin before the deadline to do so for this session. Therefore, it is now dead.

AB 1733 State bodies: open meetings

AB 1733 was introduced by Assembly Member Quirk on January 31, 2022 and was referred to the Assembly Committees on Governmental Organization and Business and Professions on February 18, 2022. The hearing for this bill, scheduled for April 20, 2022 was postponed and no action has since been taken on it. According to staff of the Committee on Governmental Organization, this bill was pulled from the hearing by the Committee and there is no information on whether or when it might be heard in the future.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a "meeting" to include 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. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a "meeting" under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the

public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body's internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance. This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

The bill also makes other changes regarding special meetings, advisory bodies of state boards, and provisions particular to various specific boards and commissions.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

This bill would declare that it is to take effect immediately as an urgency statute.

This bill has not had a hearing and has not made it out of its house of origin before the deadline to do so for this session. Therefore, it is dead.

AB 1795 Open meetings: remote participation

AB 1795 was introduced by Assembly Member Fong on February 7, 2022. On February 18, 2022, it was referred to the Assembly Committee on Governmental Organization and no action has since been taken on it.

Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

This bill has not had a hearing and has not made it out of its house of origin before the deadline to do so for this session. Therefore, it is dead.

AB 2066 Communication: telegraph corporations, telegraphy, and telegrams

AB 2066 was introduced by Member Seyarto on February 14, 2022. On February 24, 2022, it was referred to the Assembly Committee on Communications and Conveyance. On February 25, 2022, the introduced measure version was corrected. On March 23, 2022, this bill passed as amended on consent and was re-referred to the Assembly Committee on Appropriations. On March 28, 2022, this bill was amended and on March 29, 2022, it was re-referred to the Assembly Committee on Appropriations.

This bill would make numerous substantive and technical changes to telegraph laws, not relevant to the Commission. This bill would also amend the provisions for special meetings under Bagley-Keene by removing the telegram as a means for a member to waive notice.

Since it has not made it out of its house of origin before the deadline to do so for this session, it is dead.