
THIRD READING

Bill No: AB 2028
Author: Aguiar-Curry (D), et al.
Amended: 8/20/20 in Senate
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 13-0, 8/14/20
AYES: Dodd, Wilk, Allen, Archuleta, Bradford, Chang, Galgiani, Glazer, Hill,
Hueso, Portantino, Rubio, Wiener
NO VOTE RECORDED: Borgeas, Jones, Nielsen

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/20/20
AYES: Portantino, Bradford, Hill, Leyva, Wieckowski
NO VOTE RECORDED: Bates, Jones

ASSEMBLY FLOOR: 77-0, 6/8/20 - See last page for vote

SUBJECT: State agencies: meetings

SOURCE: California Nurses Association/National Nurses United

DIGEST: This bill removes an exemption in existing law thereby requiring that a state body make an agenda item that had already been discussed by a committee of the state body open to public comment, as specified.

ANALYSIS:

Existing law:

- 1) Requires, under the Bagley-Keene Open Meeting Act (Bagley-Keene Act), that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided.
- 2) Requires that a state body provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item.

- 3) Exempts from the above requirement, any agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body.
- 4) Defines "state body" to mean each of the following:
 - a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.
 - b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.
 - c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.
 - d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill:

- 1) Deletes an existing exemption regarding public comment at meetings of a state body, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address at a public meeting of a committee of that state body.
- 2) Includes legislative findings and declarations.

Comments

Purpose of the bill. According to the author's office, "most committees are comprised of only 2-4 members, meaning that the entire board is often not present for these discussions and the associated public comments. As a result, some board members act on an item without hearing the public's comment. This bill provides

the diverse public of our state with a platform to share their opinions and make their voices heard.”

Bagley-Keene Act. When the Legislature enacted the Bagley-Keene Act of 1967 it essentially said that when a body sits down to develop its consensus, there needs to be a seat at the table reserved for the public. In doing so, the Legislature has provided the public with the ability to monitor and be part of the decision-making process. The Bagley-Keene Act explicitly mandates open meetings for California State agencies, boards, and commissions. The Bagley-Keene Act facilitates transparency of government activities and protects the rights of citizens to participate in state government deliberations. Therefore, absent a specific reason to keep the public out of meetings, the public should be allowed to monitor and participate in the decision-making process.

Public comment on agenda items. Often times, state bodies create advisory boards, advisory commissions, advisory committees, and advisory subcommittees on specific issues. The Bagley-Keene Act does not require the option for public comment on an item at a public meeting of a state body, if it was discussed during a prior meeting of a committee that is composed exclusively of members of the state body, as long as that agenda item has not been substantially changed.

This bill deletes that exemption for public comment, thereby making the requirement to provide an opportunity to address a state body applicable to an agenda item for which the public has already had an opportunity to address at a public meeting of a committee composed exclusively of members of that state body.

Related/Prior Legislation

SB 53 (Wilk, 2019) modifies the definition of “state body” to clarify that standing committees, even if composed of less than three members, are a “state body” for the purposes of Bagley-Keene. (Held on the Assembly Appropriations Committee Suspense File)

AB 2958 (Quirk, Chapter 881, Statutes of 2018) provided specified exemptions from Bagley-Keene Act for advisory state bodies that conduct meetings via teleconference.

AB 1976 (Irwin, Chapter 451, Statutes of 2016) created an exemption from the teleconference meeting requirements in Bagley-Keene Act for agricultural state bodies.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, unknown, potentially absorbable costs for various state agencies to comply with the provisions of the bill.

SUPPORT: (Verified 8/20/20)

California Nurses Association/National Nurses United (source)

Board of Registered Nursing

California Federation of Teachers, AFT, AFL-CIO

California Labor Federation

California School Employees Association, AFL-CIO

California Taxpayers Association

California Teachers Association

OPPOSITION: (Verified 8/20/20)

California Board of Psychology

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

Veterinary Medical Board

ARGUMENTS IN SUPPORT: According to the California Nurses Association/National Nurses United (CNA), “[m]ost committees of state bodies are only 2-4 members, so the entire board is often not present to hear public comment when an item is discussed at the committee level. This usually leaves board members to vote on issues when they have not heard any public comment. This Bagley-Keene provision is archaic and unnecessary, these rules on public participation are common best practice but are not current law. This means that at any time a state body could choose to change its practices.”

ASSEMBLY FLOOR: 77-0, 6/8/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, Obernolte, O'Donnell, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Muratsuchi, Quirk

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