

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY MARCH 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 435

Introduced by Assembly Member Chang
(Coauthors: Assembly Members Gallagher, Olsen, and Steinorth)
(Coauthor: Senator Anderson)

February 19, 2015

An act to add Sections 12805.4 and 12812.4 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 435, as amended, Chang. California Environmental Protection Agency: Natural Resources Agency: Web casts of public meetings and workshops.

Existing law establishes the California Environmental Protection Agency and the Natural Resources Agency as agencies in the state government. Existing law, the Bagley-Keene Open Meeting Act, generally requires that all meetings of a state body be open and public.

This bill would require that each department, board, and commission of the Natural Resources Agency, *except as specified*, and each department, board, and office of the California Environmental Protection Agency Web cast all onsite public meetings, in a manner that enables listeners and viewers to ask questions and provide public comment by telephone or electronic communication commensurate with those

attending the meeting. The bill would require the agencies to make the recording of a Web cast available online for no less than 3 years for subsequent viewing by interested members of the public.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12805.4 is added to the Government
 2 Code, to read:
 3 12805.4. (a) For purposes of this section, the following terms
 4 have the following ~~meaning~~: *meanings*:
 5 (1) “Nonagency site” means a location other than agency
 6 headquarters or state government buildings or facilities where the
 7 primary operations of the agency or any of its departments, boards,
 8 or commissions take place.
 9 (2) “Web cast” means a media presentation distributed over the
 10 Internet using live streaming media technology to distribute content
 11 to listeners and viewers.
 12 (b) ~~Each~~ *Except as provided in subdivisions (c) and (d), each*
 13 department, board, and commission of the Natural Resources
 14 Agency shall Web cast all public meetings in a manner that enables
 15 listeners and viewers to ask questions and provide public comment
 16 by telephone or electronic communication commensurate with
 17 those persons attending the meeting. The agency shall make the
 18 recording of a Web cast available online for no less than three
 19 years for subsequent viewing by interested members of the public.
 20 (c) The requirements of subdivision (b) do not apply to a
 21 conservancy or the California Science Center. This subdivision
 22 does not limit the authority of the agency to Web cast meetings of
 23 a conservancy or the California Science Center.
 24 (d) The requirements of subdivision (b) do not apply to public
 25 meetings held at nonagency sites. This subdivision does not limit
 26 the authority of the agency to Web cast meetings of any
 27 department, board, or commission held at a nonagency site.
 28 (e) *It is not a violation of this section if technical failures prevent*
 29 *a department, board, or commission from providing, archiving,*
 30 *or posting a Web cast, so long as the entity exercises reasonable*
 31 *diligence.*

1 SEC. 2. Section 12812.4 is added to the Government Code, to
2 read:

3 12812.4. (a) For purposes of this section, the following terms
4 have the following ~~meaning~~: *meanings*:

5 (1) “Nonagency site” means a location other than agency
6 headquarters or state government buildings or facilities where the
7 primary operations of the agency or any of its departments, boards,
8 or offices take place.

9 (2) “Web cast” means a media presentation distributed over the
10 Internet using live streaming media technology to distribute content
11 to listeners and viewers.

12 (b) ~~Each~~ *Except as provided in subdivision (d), each* department,
13 board, and office of the California Environmental Protection
14 Agency shall Web cast all public meetings in a manner that enables
15 listeners and viewers to ask questions and provide public comment
16 by telephone or electronic communication commensurate with
17 those persons attending the meeting. The agency shall make the
18 recording of a Web cast available online for no less than three
19 years for subsequent viewing by interested members of the public.

20 (c) The deputy secretary for external affairs shall be responsible
21 for implementation of this section.

22 (d) The requirements of subdivision (b) do not apply to public
23 meetings held at nonagency sites. This subdivision does not limit
24 the authority of the agency to Web cast meetings of any
25 department, board, or office held at a nonagency site.

26 (e) *It is not a violation of this section if technical failures prevent*
27 *a department, board, or office from providing, archiving, or posting*
28 *a Web cast, so long as the entity exercises reasonable diligence.*