

AMENDED IN SENATE MARCH 1, 2011

SENATE BILL

No. 103

Introduced by Senator Liu

January 12, 2011

An act to amend Section 11123 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 103, as amended, Liu. State government: ~~meetings: teleconferencing; meetings.~~

Existing law authorizes a state body to conduct teleconference meetings.

This bill would ~~urge~~ authorize a state body, to the extent ~~legally or financially possible~~, practicable, to conduct teleconference meetings.

This bill would require, upon the request of a member of a state body, a state body to hold an open or closed meeting by teleconference, unless the chair of that state body determines that it would be more costly to hold the meeting by teleconference than it would be to hold it in person.

This bill would require a state body that operates an Internet Web Site to provide a supplemental live audio or video broadcast on the Internet Web site of its board meetings that are open to the public, and would specify that a technical failure to provide a live broadcast would not prohibit the board from meeting and taking actions.

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

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

1 SECTION 1. The Legislature finds and declares the following:

1 (a) That teleconferencing is a green technology, allowing
2 organizations to mitigate energy use by dramatically reducing the
3 need to travel.

4 (b) By communicating over video or telephone, organizations
5 can also substantially reduce their carbon footprint by reducing
6 the need to travel via high-emission methods, such as flying or
7 driving.

8 (c) Teleconferencing saves money by reducing the number of
9 trips taken annually, and this monetary savings is multiplied by
10 the cost of transportation to and from the airport, the flight, per
11 diem expenses, salary of time lost in traveling, and other incidental
12 expenses of travel.

13 (d) The amount saved by teleconferencing greatly exceeds the
14 minimal cost of investing and implementing teleconferencing
15 solutions, such as the cost for new equipment, services, and
16 training.

17 (e) Therefore, it is the intent of the Legislature that state bodies,
18 to the extent possible, conduct teleconference meetings in order
19 to save the environment and save the state money.

20 SEC. 2. Section 11123 of the Government Code is amended
21 to read:

22 11123. (a) All meetings of a state body shall be open and
23 public and all persons shall be permitted to attend any meeting of
24 a state body except as otherwise provided in this article.

25 ~~(b) (1) This article does not prohibit a state body from holding~~
26 ~~an open or closed meeting by teleconference for the benefit of the~~
27 ~~public and state body. The meeting or proceeding held by~~
28 ~~teleconference shall otherwise comply with all applicable~~
29 ~~requirements or laws relating to a specific type of meeting or~~
30 ~~proceeding, including the following:~~

31 *(b) (1) A state body may, to the extent practicable, hold an open*
32 *or closed meeting by teleconference for the benefit of the public*
33 *and the state body.*

34 *(2) Upon the request of a member of a state body, the state body*
35 *shall hold an open or closed meeting by teleconference, unless the*
36 *chair of the state body determines that it would be more costly to*
37 *hold the meeting by teleconference than it would be to hold it in*
38 *person.*

39 *(3) The meeting or proceeding held by teleconference pursuant*
40 *to this subdivision shall otherwise comply with all applicable*

1 *requirements or laws relating to a specific type of meeting or*
2 *proceeding, including all of the following:*

3 (A) The teleconferencing meeting shall comply with all
4 requirements of this article applicable to other meetings.

5 (B) The portion of the teleconferenced meeting that is required
6 to be open to the public shall be audible to the public at the location
7 specified in the notice of the meeting.

8 (C) If the state body elects to conduct a meeting or proceeding
9 by teleconference, it shall post agendas at all teleconference
10 locations and conduct teleconference meetings in a manner that
11 protects the rights of any party or member of the public appearing
12 before the state body. Each teleconference location shall be
13 identified in the notice and agenda of the meeting or proceeding,
14 and each teleconference location shall be accessible to the public.
15 The agenda shall provide an opportunity for members of the public
16 to address the state body directly pursuant to Section 11125.7 at
17 each teleconference location.

18 (D) All votes taken during a teleconferenced meeting shall be
19 by rollcall.

20 (E) The portion of the teleconferenced meeting that is closed
21 to the public may not include the consideration of any agenda item
22 being heard pursuant to Section 11125.5.

23 (F) At least one member of the state body shall be physically
24 present at the location specified in the notice of the meeting.

25 (2) For the purposes of this subdivision, “teleconference” means
26 a meeting of a state body, the members of which are at different
27 locations, connected by electronic means, through either audio or
28 both audio and video. This section does not prohibit a state body
29 from providing members of the public with additional locations
30 in which the public may observe or address the state body by
31 electronic means, through either audio or both audio and video.

32 ~~(c) A state body shall, to the extent legally or financially~~
33 ~~possible, conduct teleconference meetings, subject to the~~
34 ~~requirements set out in subdivision (b).~~

35 (c) (1) *If a state body operates an Internet Web site, the state*
36 *body shall, subject to all otherwise applicable requirements of this*
37 *article, provide a supplemental live audio or video broadcast on*
38 *its Internet Web site of each of its meetings that are open to the*
39 *public.*

1 (2) *If a technical failure prevents the body from providing a live*
2 *broadcast on its Internet Web site pursuant to this subdivision,*
3 *that failure shall not constitute a violation of this section if the*
4 *board exercised reasonable diligence in providing the live*
5 *broadcast.*

6 (3) *Failure to provide a live broadcast due to a technical failure*
7 *shall not prohibit the body from meeting and taking actions as*
8 *otherwise provided by law.*