

AMENDED IN ASSEMBLY JUNE 14, 2011

AMENDED IN SENATE APRIL 26, 2011

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.

Existing law authorizes a state body to conduct teleconference meetings.

This bill would authorize a state body, to the extent 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 provide that a member of a state body may request a meeting by teleconference for any reason that would make it more difficult or burdensome for that member to attend a meeting in person. This bill would prohibit a member of a state body from requesting a meeting by teleconference solely because it would be more convenient than holding a meeting 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 body from meeting and taking actions.

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. The Legislature finds and declares the following:

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

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

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

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

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

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

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

26 (b) (1) A state body may, to the extent practicable, hold an open
27 or closed meeting by teleconference for the benefit of the public
28 and the state body.

29 (2) Upon the request of a member of a state body, the state body
30 shall hold an open or closed meeting by teleconference, unless the
31 chair of the state body determines that it would be more costly to
32 hold the meeting by teleconference than it would be to hold it in
33 person.

1 (3) *A member of a state body may request a meeting by*
2 *teleconference for any reason that would make it more difficult or*
3 *burdensome for that member to attend a meeting in person;*
4 *including, but not limited to, cost, disability, or health. A member*
5 *of a state body shall not request a meeting by teleconference solely*
6 *because it would be more convenient than holding a meeting in*
7 *person.*

8 ~~(3)~~

9 (4) The meeting or proceeding held by teleconference pursuant
10 to this subdivision shall otherwise comply with all applicable
11 requirements or laws relating to a specific type of meeting or
12 proceeding, including all of the following:

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

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

18 (C) If the state body elects to conduct a meeting or proceeding
19 by teleconference, it shall post agendas at all teleconference
20 locations and conduct teleconference meetings in a manner that
21 protects the rights of any party or member of the public appearing
22 before the state body. Each teleconference location shall be
23 identified in the notice and agenda of the meeting or proceeding,
24 and each teleconference location shall be accessible to the public.
25 The agenda shall provide an opportunity for members of the public
26 to address the state body directly pursuant to Section 11125.7 at
27 each teleconference location.

28 (D) All votes taken during a teleconferenced meeting shall be
29 by rollcall.

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

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

35 ~~(4)~~

36 (5) For the purposes of this subdivision, “teleconference” means
37 a meeting of a state body, the members of which are at different
38 locations, connected by electronic means, through either audio or
39 both audio and video. This section does not prohibit a state body
40 from providing members of the public with additional locations

1 in which the public may observe or address the state body by
2 electronic means, through either audio or both audio and video.

3 (c) (1) If a state body operates an Internet Web site, the state
4 body shall, subject to all otherwise applicable requirements of this
5 article, provide a supplemental live audio or video broadcast on
6 its Internet Web site of each of its meetings that are open to the
7 public.

8 (2) If a technical failure prevents the body from providing a live
9 broadcast on its Internet Web site pursuant to this subdivision, that
10 failure shall not constitute a violation of this section if the body
11 exercised reasonable diligence in providing the live broadcast.

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