

## CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

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**BILL NUMBER:** AB 2028                      **VERSION:** AMENDED JULY 28, 2020  
**AUTHOR:** AGUIAR-CURRY                      **SPONSOR:** CALIFORNIA NURSES ASSOCIATION  
**PREVIOUS POSITION:** NEUTRAL  
**SUBJECT:** STATE AGENCIES: MEETINGS

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### Summary:

Current law establishes the Bagley-Keene Open Meeting Act (Bagley-Keene Act) that state bodies, including the Board of Behavioral Sciences (Board) are subject to. This bill proposes two changes to the Bagley-Keene Act:

- A change to require state bodies to post all meeting materials online at specified times in advance of the meeting (depending on the types of materials).
- A change to allow the public to comment on any agenda item of a state body's meeting, regardless of whether the item had already been considered, and public comment allowed, at a committee meeting of the state body.

### Existing Law:

1. Establishes the Bagley-Keene Open Meeting Act. It requires the proceedings of public agencies be conducted openly so that the public may remain informed. (Government Code (GC) §11120)
2. Defines "state body" as including state boards, commissions or similar multimember bodies of the state created by statute or required by law to conduct official meetings. It also includes committees that exercise authority of a state body delegated to it by that state body. (GC §11121)
3. Requires a state body to provide a meeting notice to anyone who requests it in writing, and also to post the notice on the internet at least 10 days in advance of a meeting. The notice must contain a specific agenda for the meeting, along with a brief description of the items of business to be transacted or discussed in either open or closed session. (GC §11125)
4. Provides that agendas of public meetings and other writings distributed to the majority of members of a state body in connection with a matter discussed at its public meeting are disclosable public records, unless otherwise exempt by law from public disclosure. (GC §11125.1(a))

5. Provides that writings that are public records that are distributed to members of the state body pertaining to an agenda item prior to or during a meeting must be made available for public inspection at the meeting (if prepared by the state body or one of its members), or after the meeting (if prepared by some other person). (GC §11125.1(b))
6. Under certain circumstances, permits a state body to take action on items of business not on the posted agenda, including if the state body determines by a two-thirds vote that there is a need to take immediate action and that the need for action came to the state body's attention after the agenda being posted. Notice must be made to all national press wire services. (GC §11125.3(a)(2))
7. Permits a state body to call a special meeting in certain defined circumstances when compliance with the 10-day notice would impose a substantial hardship on the state body or when immediate action is required to protect the public interest. Allowable circumstances include, but are not limited to, to consider pending litigation, to consider proposed legislation, to consider a legal opinion, and to consider license examinations and applications. Notice must be made to all national press wire services. At the commencement of the meeting the body must establish by a 2/3 vote that the delay caused by providing a 10-day notice would have caused a substantial hardship or that immediate action is required to protect the public interest. (GC §11125.4)
8. Requires the state body to 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. However, public comment can be disallowed if the agenda item has already been considered by a committee of members of the state body at a public meeting where members of the public could address the committee on the item (unless the item has substantially changed since the committee heard the item). (GC §11125.7).

**This Bill:**

1. Requires that the required meeting notice posted online 10 days in advance of a meeting must also include all writings or materials provided to members of the state body by its staff or another body member, that are connected to a matter to be discussed or considered at the meeting. The state body may only distribute or discuss writings or materials that meet this requirement. The writings or materials to be considered and provided to the members in advance must be made available on the state body's internet website no later than the first business day following the distribution of the writings/materials to members of the state body, or at least 48 hours prior to the meeting, whichever is sooner. (GC §11125(c)(1) and (2)(A))
2. Provides that any writings or materials provided to members of the state body by another state body after the time periods described in #1 above must be posted on

the body's website no later than the first business day following dissemination of the materials to the members, but prior to the meeting. (GC §11125(c)(2)(B))

3. States that this does not apply to writings/materials prepared for a matter to be discussed in a closed session of the state body, or state financial materials that put the Treasurer, or any of the boards the Treasurer serves, at a competitive disadvantage in financial transactions. (GC §11125(c)(3))
4. States that if the writings/materials on an agenda for discussion are related to current legislation, or are related to changing financial market conditions, the state body can satisfy the posting requirements by posting these writings/materials as they become available after the ordinarily prescribed time periods described above. The state body must make it clear what date the new or changed writings/materials were posted, and what changes have been made (when applicable). (GC §11125(c)(4))
5. Deletes the subdivision of statute permitting a state body to disallow the public to comment on an agenda item if the agenda item has already been considered by a committee composed only of members of the state body at a public meeting where the public could address the committee on the item. (GC §11125.7(a))

**Comment:**

**1) Author's Intent.**

The author's office is seeking to close loopholes in the Bagley-Keene Act. They note that although agendas must be posted publicly 10-days in advance of a meeting, there is not a similar requirement for supporting documents. In the bill's fact sheet, they state the following:

*"Documents distributed to members of a state body in relation to a meeting or agenda topic are part of the public record and are therefore public documents. The goals of public disclosure in Bagley-Keene clearly support the requirement that relevant background information that influences board members on their actions be provided publically in advance of a meeting."*

**2) Impact on Board Operations.**

a) Meeting Material Provision

The version of the bill the Board previously considered contained a provision requiring meeting materials to be prepared and posted 10 days in advance of a meeting. This prompted a concern that the bill could have a chilling effect on the Board's ability to take positions on legislation. When the Legislature is in session, it is common for bills on the Board's agenda to be amended during the 10-day timeframe between when the agenda is posted and when the Board

meets. If meeting materials can no longer be updated if there are bill amendments, then the Board cannot discuss and consider the most recent available information, and its voice in the legislative process is silenced.

The bill has now been amended to allow updating of materials related to current legislation.

b) Public Comment Provision

This bill also removes a provision from statute that allows a state body to disallow public comment if the same item has already been considered by a committee of the Board and public comment on the item was allowed. The deletion of this provision would not affect Board operations. The Board always allows public comment on all agenda items regardless of those items being discussed and publicly commented on at a previous committee meeting.

**3) Previous Positions.**

At its March 2020 meeting, the Board took an “oppose unless amended” position on this bill, due to the concern that it would leave the Board unable to consider the most up-to-date information available at the time of its meetings. Based on subsequent amendments to the bill, at its June 5, 2020 meeting, the Board switched its position to “neutral.” However, the bill has been significantly amended since that meeting, and staff believes reconsideration is warranted.

**4) Support and Opposition.**

Support:

- California Teachers Association
- California Labor Federation
- California Federation of Teachers
- California Nurses Association/National Nurses United
- California School Employees Association

Opposition:

- None at this time.

**5) History.**

**2020**

07/28/20 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.

07/08/20 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.

06/23/20 Referred to Com. on G.O.

06/09/20 In Senate. Read first time. To Com. on RLS. for assignment.

06/08/20 Read third time. Passed. Ordered to the Senate. (Ayes 77. Noes 0.)  
06/08/20 Assembly Rule 63 suspended. (Ayes 59. Noes 17.)  
06/08/20 Read second time. Ordered to third reading.  
06/04/20 Read second time and amended. Ordered returned to second reading.  
06/03/20 From committee: Amend, and do pass as amended. (Ayes 18. Noes 0.)  
(June 3).  
06/02/20 In committee: Set, first hearing. Referred to APPR. suspense file.  
05/13/20 From committee: Do pass and re-refer to Com. on APPR. (Ayes 19. Noes  
0.) (May 12). Re-referred to Com. on APPR.  
02/14/20 Referred to Com. on G.O.  
01/31/20 From printer. May be heard in committee March 1.  
01/30/20 Read first time. To print.

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AMENDED IN SENATE JULY 28, 2020

AMENDED IN SENATE JULY 8, 2020

AMENDED IN ASSEMBLY JUNE 4, 2020

california legislature—2019–20 regular session

**ASSEMBLY BILL**

**No. 2028**

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**Introduced by Assembly Member Aguiar-Curry  
(Coauthor: Assembly Member Gonzalez)**

January 30, 2020

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~~An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.~~ *An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.*

**legislative counsel's digest**

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.

*Existing law, the Bagley-Keene Open Meeting Act, requires 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 in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.*

*This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would prescribe requirements to be satisfied in order for these*

writings or materials to be distributed or discussed. The bill would generally require that these writings and materials be made available on the body's internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer, or specified entities for which the Treasurer serves as chairperson, at a competitive disadvantage in financial transactions from its requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.

Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, 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 it at a public meeting of a committee of the state body.

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~~Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.~~

~~This bill would delete this exception, 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 it at a public meeting of a committee of the state body.~~

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) *The Bagley-Keene Open Meeting Act (Article 9 (commencing*  
3 *with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title*  
4 *2 of the Government Code) (hereafter “Bagley-Keene”) was*  
5 *intended to implement Section 3 of Article I of the California*  
6 *Constitution, which states in part, “The people have the right of*  
7 *access to information concerning the conduct of the people’s*  
8 *business, and, therefore, the meetings of public bodies and the*  
9 *writings of public officials and agencies shall be open to public*  
10 *scrutiny.”*

11     (b) *Bagley-Keene was written to protect public meetings and*  
12 *public notice and to ensure the transparency of actions taken by*  
13 *state agencies, boards, and commissions.*

14     (c) *Californians have the right to participate in state body*  
15 *deliberations. This includes the public’s ability to comment on all*  
16 *agenda items discussed at a meeting of the state body, regardless*  
17 *of whether an item has been discussed previously in a committee*  
18 *of the state body.*

19     (d) *The purpose of public notice is so that state bodies give the*  
20 *public adequate time for review of the substance of a state body*  
21 *meeting and for comment.*

22     (e) *Public notice must also include any writings or materials*  
23 *provided by a state body’s staff or by a member of the state body*  
24 *to other members of the state body for a noticed meeting of the*  
25 *body.*

26     (f) *Bagley-Keene affirms these rights by stating in Section 11120*  
27 *of the Government Code, “The people of this state do not yield*  
28 *their sovereignty to the agencies which serve them. The people, in*  
29 *delegating authority, do not give their public servants the right to*  
30 *decide what is good for the people to know and what is not good*  
31 *for them to know. The people insist on remaining informed so that*  
32 *they may retain control over the instruments they have created.”*

33     SEC. 2. *Section 11125 of the Government Code is amended to*  
34 *read:*

35     11125. (a) *The state body shall provide notice of its meeting*  
36 *to any person who requests that notice in writing. Notice shall be*  
37 *given and also made available on the ~~Internet~~ internet website at*  
38 *least 10 days in advance of the meeting, and shall include the name,*

1 address, and telephone number of any person who can provide  
2 further information prior to the meeting, but need not include a  
3 list of witnesses expected to appear at the meeting. The written  
4 notice shall additionally include the address of the ~~Internet site~~  
5 *internet website* where notices required by this article are made  
6 available.

7 (b) The notice of a meeting of a body that is a state body shall  
8 include a specific agenda for the meeting, containing a brief  
9 description of the items of business to be transacted or discussed  
10 in either open or closed session. A brief general description of an  
11 item generally need not exceed 20 words. A description of an item  
12 to be transacted or discussed in closed session shall include a  
13 citation of the specific statutory authority under which a closed  
14 session is being held. No item shall be added to the agenda  
15 subsequent to the provision of this notice, unless otherwise  
16 permitted by this article.

17 (c) (1) *Any notice provided pursuant to subdivision (a) shall*  
18 *include all writings or materials provided for the noticed meeting*  
19 *to a member of the state body by the staff of that state agency,*  
20 *board, or commission, or another member of the state body, that*  
21 *are in connection with a matter subject to discussion or*  
22 *consideration at the meeting. A state body may distribute or discuss*  
23 *writings or materials only to the extent that it has complied with*  
24 *the applicable requirements of this subdivision.*

25 (2) (A) *The writings or materials to be considered at a noticed*  
26 *meeting and provided to members of the state body in advance of*  
27 *the meeting shall be made available on the body's internet website*  
28 *no later than the first business day following the dissemination of*  
29 *the writings and materials to members of the state body or at least*  
30 *48 hours in advance of the meeting, whichever is earlier. Upon*  
31 *receipt of a written request for writings or materials provided to*  
32 *members of the state body in advance of the meeting, a state body*  
33 *shall provide them immediately.*

34 (B) *Any writings or materials provided to the members of the*  
35 *state body by another state body after the time periods described*  
36 *in subparagraph (A) have passed shall be posted on the body's*  
37 *internet website no later than the first business day, but prior to*  
38 *the meeting of the state body, following the dissemination of the*  
39 *writings and materials to the members of the state body. Upon*  
40 *receipt of a written request, these writings or materials shall be*

1 *provided immediately. A state body that satisfies the requirements*  
2 *of this subparagraph may discuss these writings and materials at*  
3 *an otherwise properly noticed meeting.*

4 (3) (A) *This subdivision does not apply to writings or materials*  
5 *prepared for a matter to be discussed in a closed session of the*  
6 *state body or to state financial materials that put the Treasurer,*  
7 *or any of the boards, authorities, commissions, committees, and*  
8 *councils for which the Treasurer serves as chairperson, at a*  
9 *competitive disadvantage in financial transactions.*

10 (B) *For purposes of this paragraph, “financial materials” mean*  
11 *documents related to bonds, loans, and grants.*

12 (4) *If the writings or materials described in paragraph (1) on*  
13 *an agenda for discussion at a meeting of the state body are related*  
14 *to legislation that is before the Legislature in a current legislative*  
15 *session or are related to changing financial market conditions, a*  
16 *state body shall satisfy the requirements of this subdivision by*  
17 *posting on its internet website the writings and materials related*  
18 *to the legislation or the changing market conditions as they become*  
19 *available after the time periods described in paragraph (2). Upon*  
20 *receipt of a written request, these writings or materials shall be*  
21 *provided immediately. The state body shall make clear what date*  
22 *the new or changed writings or materials are posted and, when*  
23 *applicable, what changes have been made in the writings or*  
24 *materials.*

25 (~~e~~)

26 (d) *Notice of a meeting of a state body that complies with this*  
27 *section shall also constitute notice of a meeting of an advisory*  
28 *body of that state body, provided that the business to be discussed*  
29 *by the advisory body is covered by the notice of the meeting of*  
30 *the state body, provided that the specific time and place of the*  
31 *advisory body’s meeting is announced during the open and public*  
32 *state body’s meeting, and provided that the advisory body’s*  
33 *meeting is conducted within a reasonable time of, and nearby, the*  
34 *meeting of the state body.*

35 (~~d~~)

36 (e) *A person may request, and shall be provided, notice pursuant*  
37 *to subdivision (a) for all meetings of a state body or for a specific*  
38 *meeting or meetings. In addition, at the state body’s discretion, a*  
39 *person may request, and may be provided, notice of only those*

1 meetings of a state body at which a particular subject or subjects  
2 specified in the request will be discussed.

3 (e)

4 (f) A request for notice of more than one meeting of a state body  
5 shall be subject to the provisions of Section 14911.

6 (f)

7 (g) The notice shall be made available in appropriate alternative  
8 formats, as required by Section 202 of the Americans with  
9 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal  
10 rules and regulations adopted in implementation thereof, upon  
11 request by any person with a disability. The notice shall include  
12 information regarding how, to whom, and by when a request for  
13 any disability-related modification or accommodation, including  
14 auxiliary aids or services may be made by a person with a disability  
15 who requires these aids or services in order to participate in the  
16 public meeting.

17 SEC. 3. Section 11125.7 of the Government Code is amended  
18 to read:

19 11125.7. (a) Except as otherwise provided in this section, the  
20 state body shall provide an opportunity for members of the public  
21 to directly address the state body on each agenda item before or  
22 during the state body’s discussion or consideration of the item.  
23 ~~This section is not applicable if the agenda item has already been~~  
24 ~~considered by a committee composed exclusively of members of~~  
25 ~~the state body at a public meeting where interested members of~~  
26 ~~the public were afforded the opportunity to address the committee~~  
27 ~~on the item, before or during the committee’s consideration of the~~  
28 ~~item, unless the item has been substantially changed since the~~  
29 ~~committee heard the item, as determined by the state body.~~ Every  
30 notice for a special meeting at which action is proposed to be taken  
31 on an item shall provide an opportunity for members of the public  
32 to directly address the state body concerning that item prior to  
33 action on the item. In addition, the notice requirement of Section  
34 11125 shall not preclude the acceptance of testimony at meetings,  
35 other than emergency meetings, from members of the public if no  
36 action is taken by the state body at the same meeting on matters  
37 brought before the body by members of the public.

38 (b) The state body may adopt reasonable regulations to ensure  
39 that the intent of subdivision (a) is carried out, including, but not  
40 limited to, regulations limiting the total amount of time allocated

1 for public comment on particular issues and for each individual  
2 speaker.

3 (c) (1) Notwithstanding subdivision (b), when a state body  
4 limits time for public comment the state body shall provide at least  
5 twice the allotted time to a member of the public who utilizes a  
6 translator to ensure that non-English speakers receive the same  
7 opportunity to directly address the state body.

8 (2) Paragraph (1) shall not apply if the state body utilizes  
9 simultaneous translation equipment in a manner that allows the  
10 state body to hear the translated public testimony simultaneously.

11 (d) The state body shall not prohibit public criticism of the  
12 policies, programs, or services of the state body, or of the acts or  
13 omissions of the state body. Nothing in this subdivision shall confer  
14 any privilege or protection for expression beyond that otherwise  
15 provided by law.

16 (e) This section is not applicable to ~~closed sessions held pursuant~~  
17 ~~to Section 11126. any of the following:~~

18 (1) *Closed sessions held pursuant to Section 11126.*

19 ~~(f) This section is not applicable to decisions~~

20 (2) *Decisions* regarding proceedings held pursuant to Chapter  
21 5 (commencing with Section 11500), relating to administrative  
22 adjudication, or to the conduct of those proceedings.

23 ~~(g) This section is not applicable to hearings~~

24 (3) *Hearings* conducted by the California Victim Compensation  
25 Board pursuant to Sections 13963 and 13963.1.

26 ~~(h) This section is not applicable to agenda~~

27 (4) *Agenda* items that involve decisions of the Public Utilities  
28 Commission regarding adjudicatory hearings held pursuant to  
29 Chapter 9 (commencing with Section 1701) of Part 1 of Division  
30 1 of the Public Utilities Code. For all other agenda items, the  
31 commission shall provide members of the public, other than those  
32 who have already participated in the proceedings underlying the  
33 agenda item, an opportunity to directly address the commission  
34 before or during the commission’s consideration of the item.

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

36 ~~(a) The Bagley Keene Open Meeting Act (Article 9~~  
37 ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~  
38 ~~Division 3 of Title 2 of the Government Code) (hereafter~~  
39 ~~“Bagley Keene”) was intended to implement Section 3 of Article~~  
40 ~~I of the California Constitution, which states in part, “The people~~

1 have the right of access to information concerning the conduct of  
2 the people's business, and, therefore, the meetings of public bodies  
3 and the writings of public officials and agencies shall be open to  
4 public scrutiny."

5 ~~(b) Bagley-Keene was written to protect public meetings and~~  
6 ~~public notice and to ensure the transparency of actions taken by~~  
7 ~~state agencies, boards, and commissions.~~

8 ~~(c) Californians have the right to participate in state body~~  
9 ~~deliberations. This includes the public's ability to comment on all~~  
10 ~~agenda items discussed at a meeting of the state body, regardless~~  
11 ~~of whether an item has been discussed previously in a committee~~  
12 ~~of the state body.~~

13 ~~(d) The purpose of public notice is so that state bodies give the~~  
14 ~~public adequate time for review of the substance of a state body~~  
15 ~~meeting and for comment.~~

16 ~~(e) Public notice must also include any writings or materials~~  
17 ~~provided by a state body's staff or by a member of the state body~~  
18 ~~to other members of the state body for a noticed meeting of the~~  
19 ~~body.~~

20 ~~(f) Bagley-Keene affirms these rights by stating in Section 11120~~  
21 ~~of the Government Code, "The people of this state do not yield~~  
22 ~~their sovereignty to the agencies which serve them. The people,~~  
23 ~~in delegating authority, do not give their public servants the right~~  
24 ~~to decide what is good for the people to know and what is not good~~  
25 ~~for them to know. The people insist on remaining informed so that~~  
26 ~~they may retain control over the instruments they have created."~~

27 ~~SEC. 2. Section 11125 of the Government Code is amended~~  
28 ~~to read:~~

29 ~~11125. (a) The state body shall provide notice of its meeting~~  
30 ~~to any person who requests that notice in writing. Notice shall be~~  
31 ~~given and also made available on the internet website at least 10~~  
32 ~~days in advance of the meeting, and shall include the name,~~  
33 ~~address, and telephone number of any person who can provide~~  
34 ~~further information prior to the meeting, but need not include a~~  
35 ~~list of witnesses expected to appear at the meeting. The written~~  
36 ~~notice shall additionally include the address of the internet website~~  
37 ~~where notices required by this article are made available.~~

38 ~~(b) The notice of a meeting of a body that is a state body shall~~  
39 ~~include a specific agenda for the meeting, containing a brief~~  
40 ~~description of the items of business to be transacted or discussed~~

1 in either open or closed session. A brief general description of an  
2 item generally need not exceed 20 words. A description of an item  
3 to be transacted or discussed in closed session shall include a  
4 citation of the specific statutory authority under which a closed  
5 session is being held. No item shall be added to the agenda  
6 subsequent to the provision of this notice, unless otherwise  
7 permitted by this article.

8 (e) (1) Any notice provided pursuant to subdivision (a) shall  
9 include all writings or materials provided for the noticed meeting  
10 to a member of the state body by the staff of that state agency,  
11 board, or commission, or another member of the state body, that  
12 are in connection with a matter subject to discussion or  
13 consideration at the meeting. A state body may distribute or discuss  
14 writings or materials only to the extent that it has complied with  
15 the applicable requirements of this subdivision.

16 (2) (A) The writings or materials to be considered at a noticed  
17 meeting and provided to members of the state body in advance of  
18 the meeting shall be made available on the body's internet website  
19 no later than the first business day following the dissemination of  
20 the writings and materials to members of the state body or at least  
21 48 hours in advance of the meeting, whichever is earlier. Upon  
22 receipt of a written request for writings or materials provided to  
23 members of the state body in advance of the meeting, a state body  
24 shall provide them immediately.

25 (B) Any writings or materials provided to the members of the  
26 state body by another state body after the time periods described  
27 in subparagraph (A) have passed shall be posted on the body's  
28 internet website no later than the first business day, but prior to  
29 the meeting of the state body, following the dissemination of the  
30 writings and materials to the members of the state body. Upon  
31 receipt of a written request, these writings or materials shall be  
32 provided immediately. A state body that satisfies the requirements  
33 of this subparagraph may discuss these writings and materials at  
34 an otherwise properly noticed meeting.

35 (3) (A) This subdivision does not apply to writings or materials  
36 prepared for a matter to be discussed in a closed session of the  
37 state body or state financial materials that put the Treasurer at a  
38 competitive disadvantage in financial transactions.

39 (B) For purposes of this paragraph, "financial materials" mean  
40 documents related to bonds, loans, and grants.

1 ~~(4) If the writings or materials described in paragraph (1) on an~~  
2 ~~agenda for discussion at a meeting of the state body are related to~~  
3 ~~legislation that is before the Legislature in a current legislative~~  
4 ~~session or are related to changing financial market conditions, a~~  
5 ~~state body shall satisfy the requirements of this subdivision by~~  
6 ~~posting on its internet website the writings and materials related~~  
7 ~~to the legislation or the changing market conditions as they become~~  
8 ~~available after the time periods described in paragraph (2). Upon~~  
9 ~~receipt of a written request, these writings or materials shall be~~  
10 ~~provided immediately. The state body shall make clear what date~~  
11 ~~the new or changed writings or materials are posted and, when~~  
12 ~~applicable, what changes have been made in the writings or~~  
13 ~~materials.~~

14 ~~(d) Notice of a meeting of a state body that complies with this~~  
15 ~~section shall also constitute notice of a meeting of an advisory~~  
16 ~~body of that state body, provided that the business to be discussed~~  
17 ~~by the advisory body is covered by the notice of the meeting of~~  
18 ~~the state body, provided that the specific time and place of the~~  
19 ~~advisory body's meeting is announced during the open and public~~  
20 ~~state body's meeting, and provided that the advisory body's~~  
21 ~~meeting is conducted within a reasonable time of, and nearby, the~~  
22 ~~meeting of the state body.~~

23 ~~(e) A person may request, and shall be provided, notice pursuant~~  
24 ~~to subdivision (a) for all meetings of a state body or for a specific~~  
25 ~~meeting or meetings. In addition, at the state body's discretion, a~~  
26 ~~person may request, and may be provided, notice of only those~~  
27 ~~meetings of a state body at which a particular subject or subjects~~  
28 ~~specified in the request will be discussed.~~

29 ~~(f) A request for notice of more than one meeting of a state body~~  
30 ~~shall be subject to the provisions of Section 14911.~~

31 ~~(g) The notice shall be made available in appropriate alternative~~  
32 ~~formats, as required by Section 202 of the Americans with~~  
33 ~~Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal~~  
34 ~~rules and regulations adopted in implementation thereof, upon~~  
35 ~~request by any person with a disability. The notice shall include~~  
36 ~~information regarding how, to whom, and by when a request for~~  
37 ~~any disability-related modification or accommodation, including~~  
38 ~~auxiliary aids or services may be made by a person with a disability~~  
39 ~~who requires these aids or services in order to participate in the~~  
40 ~~public meeting.~~

1 SEC. 3. Section 11125.7 of the Government Code is amended  
2 to read:

3 11125.7. (a) Except as otherwise provided in this section, the  
4 state body shall provide an opportunity for members of the public  
5 to directly address the state body on each agenda item before or  
6 during the state body's discussion or consideration of the item.  
7 Every notice for a special meeting at which action is proposed to  
8 be taken on an item shall provide an opportunity for members of  
9 the public to directly address the state body concerning that item  
10 prior to action on the item. In addition, the notice requirement of  
11 Section 11125 shall not preclude the acceptance of testimony at  
12 meetings, other than emergency meetings, from members of the  
13 public if no action is taken by the state body at the same meeting  
14 on matters brought before the body by members of the public.

15 (b) The state body may adopt reasonable regulations to ensure  
16 that the intent of subdivision (a) is carried out, including, but not  
17 limited to, regulations limiting the total amount of time allocated  
18 for public comment on particular issues and for each individual  
19 speaker.

20 (c) (1) Notwithstanding subdivision (b), when a state body  
21 limits time for public comment the state body shall provide at least  
22 twice the allotted time to a member of the public who utilizes a  
23 translator to ensure that non-English speakers receive the same  
24 opportunity to directly address the state body.

25 (2) Paragraph (1) shall not apply if the state body utilizes  
26 simultaneous translation equipment in a manner that allows the  
27 state body to hear the translated public testimony simultaneously.

28 (d) The state body shall not prohibit public criticism of the  
29 policies, programs, or services of the state body, or of the acts or  
30 omissions of the state body. Nothing in this subdivision shall confer  
31 any privilege or protection for expression beyond that otherwise  
32 provided by law.

33 (e) This section is not applicable to any of the following:

34 (1) Closed sessions held pursuant to Section 11126.

35 (2) Decisions regarding proceedings held pursuant to Chapter  
36 5 (commencing with Section 11500), relating to administrative  
37 adjudication, or to the conduct of those proceedings.

38 (3) Hearings conducted by the California Victim Compensation  
39 Board pursuant to Sections 13963 and 13963.1.

1 ~~(4) Agenda items that involve decisions of the Public Utilities~~  
2 ~~Commission regarding adjudicatory hearings held pursuant to~~  
3 ~~Chapter 9 (commencing with Section 1701) of Part 1 of Division~~  
4 ~~1 of the Public Utilities Code. For all other agenda items, the~~  
5 ~~commission shall provide members of the public, other than those~~  
6 ~~who have already participated in the proceedings underlying the~~  
7 ~~agenda item, an opportunity to directly address the commission~~  
8 ~~before or during the commission's consideration of the item.~~

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