

**ASSEMBLY BILL**

**No. 1733**

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**Introduced by Assembly Member Quirk**

January 31, 2022

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An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference

location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 101.7 of the Business and Professions  
2 Code is amended to read:  
3 101.7. (a) Notwithstanding any other provision of law, boards  
4 shall meet at least two times each calendar year. Boards shall meet  
5 at least once each calendar year in northern California and once  
6 each calendar year in southern California in order to facilitate  
7 participation by the public and its ~~licensees~~. *licensees, unless the*  
8 *board’s meetings are held entirely by teleconference.*  
9 (b) The director has discretion to exempt any board from the  
10 requirement in subdivision (a) upon a showing of good cause that  
11 the board is not able to meet at least two times in a calendar year.  
12 (c) The director may call for a special meeting of the board  
13 when a board is not fulfilling its duties.  
14 (d) An agency within the department that is required to provide  
15 a written notice pursuant to subdivision (a) of Section 11125 of  
16 the Government Code, may provide that notice by regular mail,  
17 email, or by both regular mail and email. An agency shall give a  
18 person who requests a notice the option of receiving the notice by  
19 regular mail, email, or by both regular mail and email. The agency  
20 shall comply with the requester’s chosen form or forms of notice.  
21 (e) An agency that plans to webcast a meeting shall include in  
22 the meeting notice required pursuant to subdivision (a) of Section  
23 11125 of the Government Code a statement of the board’s intent  
24 to webcast the meeting. An agency may webcast a meeting even  
25 if the agency fails to include that statement of intent in the notice.  
26 SEC. 2. Section 11122.5 of the Government Code is amended  
27 to read:

1 11122.5. (a) As used in this article, “meeting” includes any  
2 congregation of a majority of the members of a state body at the  
3 same time and ~~place~~ *place, including one held entirely by*  
4 *teleconference*, to hear, discuss, or deliberate upon any item that  
5 is within the subject matter jurisdiction of the state body to which  
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,  
8 outside of a meeting authorized by this chapter, use a series of  
9 communications of any kind, directly or through intermediaries,  
10 to discuss, deliberate, or take action on any item of business that  
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee  
13 or official of a state agency from engaging in separate  
14 conversations or communications outside of a meeting authorized  
15 by this chapter with members of a legislative body in order to  
16 answer questions or provide information regarding a matter that  
17 is within the subject matter jurisdiction of the state agency, if that  
18 person does not communicate to members of the legislative body  
19 the comments or position of any other member or members of the  
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the  
22 following:

23 (1) Individual contacts or conversations between a member of  
24 a state body and any other person that do not violate subdivision  
25 (b).

26 (2) (A) The attendance of a majority of the members of a state  
27 body at a conference or similar gathering open to the public that  
28 involves a discussion of issues of general interest to the public or  
29 to public agencies of the type represented by the state body, if a  
30 majority of the members do not discuss among themselves, other  
31 than as part of the scheduled program, business of a specified  
32 nature that is within the subject matter jurisdiction of the state  
33 body.

34 (B) Subparagraph (A) does not allow members of the public  
35 free admission to a conference or similar gathering at which the  
36 organizers have required other participants or registrants to pay  
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body  
39 at an open and publicized meeting organized to address a topic of  
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,  
 2 other than as part of the scheduled program, business of a specific  
 3 nature that is within the subject matter jurisdiction of the state  
 4 body.

5 (4) The attendance of a majority of the members of a state body  
 6 at an open and noticed meeting of another state body or of a  
 7 legislative body of a local agency as defined by Section 54951, if  
 8 a majority of the members do not discuss among themselves, other  
 9 than as part of the scheduled meeting, business of a specific nature  
 10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body  
 12 at a purely social or ceremonial occasion, if a majority of the  
 13 members do not discuss among themselves business of a specific  
 14 nature that is within the subject matter jurisdiction of the state  
 15 body.

16 (6) The attendance of a majority of the members of a state body  
 17 at an open and noticed meeting of a standing committee of that  
 18 body, if the members of the state body who are not members of  
 19 the standing committee attend only as observers.

20 SEC. 3. 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~~ *requires* a state body ~~from~~  
 26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for  
 27 the benefit of the public and state ~~body.~~ *body, and allows for use*  
 28 *of teleconference in closed sessions.* The meeting or proceeding  
 29 held by teleconference shall otherwise comply with all applicable  
 30 requirements or laws relating to a specific type of meeting or  
 31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing~~ *teleconferenced* meeting shall comply  
 33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required  
 35 to be open to the public *at any physical location specified in the*  
 36 *notice of the meeting* shall be *visible and* audible to the public at  
 37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~  
 39 ~~proceeding by teleconference, it shall post agendas at all~~  
 40 ~~teleconference locations and shall~~ conduct teleconference meetings

1 in a manner that protects the rights of any party or member of the  
 2 public appearing before the state body. *The state body shall provide*  
 3 *a means by which the public may remotely hear audio of the*  
 4 *meeting or remotely hear and observe the meeting, and a means*  
 5 *by which the public may remotely address the state body, as*  
 6 *appropriate, via either a two-way audio-visual platform or a*  
 7 *two-way telephonic service. Should the state body elect to use a*  
 8 *two-way telephonic service only, it must also provide live*  
 9 *webcasting of the open meeting. The applicable teleconference*  
 10 *phone number or internet website, or other information indicating*  
 11 *how the public can access the meeting remotely, shall be specified*  
 12 *in any notice required by this article. Each teleconference location*  
 13 *shall be identified in the notice and agenda of the meeting or*  
 14 *proceeding, and each teleconference location shall be accessible*  
 15 *to the public. The agenda shall provide an opportunity for members*  
 16 *of the public to remotely address the state body directly pursuant*  
 17 *to Section 11125.7 at each teleconference location. 11125.7.*

18 (D) *The state body shall provide members of the public with a*  
 19 *physical location at which the public may hear, observe, and*  
 20 *address the state body. Each physical location shall be identified*  
 21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*  
 23 *right to directly address the state body during the teleconferenced*  
 24 *meeting without being required to submit public comments prior*  
 25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*  
 28 *a meeting. The members of the state body may also be physically*  
 29 *present and participate at a designated physical meeting location,*  
 30 *but no member of the state body shall be required to be physically*  
 31 *present at any physical meeting location designated in the notice*  
 32 *of the meeting in order to be deemed present at the meeting. All*  
 33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*  
 35 *to the public may not include the consideration of any agenda item*  
 36 *being heard pursuant to Section 11125.5.*

37 ~~(F)~~ *At least one member of the state body shall be physically*  
 38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*  
 40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,  
2 including Section 11125, requiring the state body post an agenda  
3 of a meeting at least 10 days in advance of the meeting, Section  
4 11125.4, applicable to special meetings, and Sections 11125.5 and  
5 11125.6, applicable to emergency meetings. The state body shall  
6 post the agenda on its internet website and, on the day of the  
7 meeting, at any physical meeting location designated in the notice  
8 of the meeting. The notice and agenda shall not disclose  
9 information regarding any remote location from which a member  
10 is participating.

11 (H) Upon discovering that a means of remote participation  
12 required by this section has failed during a meeting and cannot  
13 be restored, the state body shall end or adjourn the meeting in  
14 accordance with Section 11128.5. In addition to any other  
15 requirements that may apply, the state body shall provide notice  
16 of the meeting's end or adjournment on the state body's internet  
17 website and by email to any person who has requested notice of  
18 meetings of the state body by email under this article. If the meeting  
19 will be adjourned and reconvened on the same day, further notice  
20 shall be provided by an automated message on a telephone line  
21 posted on the state body's agenda, internet website, or by a similar  
22 means, that will communicate when the state body intends to  
23 reconvene the meeting and how a member of the public may hear  
24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, "~~teleconference~~" all of  
26 the following definitions shall apply:

27 (A) "~~Teleconference~~" means a meeting of a state ~~body, the~~  
28 ~~members of which are at different locations, connected~~ body that  
29 provides for a connection by electronic means, including by  
30 telephone, an internet website, or other online platform, through  
31 ~~either audio or both~~ audio and video. This section does not prohibit  
32 a state body from providing members of the public with additional  
33 physical locations in which the public may observe ~~or~~ and address  
34 the state body by electronic means, through either audio or both  
35 audio and video.

36 (B) "~~Remote location~~" means a location from which a member  
37 of a state body participates in a meeting other than any physical  
38 meeting location designated in the notice of the meeting. Remote  
39 locations need not be accessible to the public.

1 (C) “Remote participation” means participation in a meeting  
2 by teleconference at a location other than any physical meeting  
3 location designated in the notice of the meeting. Watching or  
4 listening to a meeting via webcasting or another similar electronic  
5 medium that does not permit members to interactively hear,  
6 discuss, or deliberate on matters, does not constitute participation  
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform  
9 that provides participants with the ability to participate in a  
10 meeting via both an interactive video conference and a two-way  
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service  
13 that does not require internet access, is not provided as part of a  
14 two-way audio-visual platform, and allows participants to dial a  
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online  
17 or on television, using streaming media technology to distribute  
18 a single content source to many simultaneous listeners and viewers.  
19 This section does not prohibit a state body from providing members  
20 of the public with additional physical locations in which the public  
21 may observe and address the state body by electronic means.

22 (c) The state body shall publicly report any action taken and the  
23 vote or abstention on that action of each member present for the  
24 action.

25 (d) A state body that is organized within the Department of  
26 Consumer Affairs and meets at least two times each calendar year  
27 shall be deemed to have met the requirements of subdivision (a)  
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the  
30 ability to encourage full participation by appointees with  
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by  
33 teleconference from a remote location, the member shall disclose  
34 whether any other individuals 18 years of age or older are present  
35 in the room at the remote location with the member, and the  
36 general nature of the member’s relationship with any such  
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~  
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~

1 any state body that is an advisory board, advisory commission,  
2 advisory committee, advisory subcommittee, or similar  
3 multimember advisory body may hold an open meeting by  
4 teleconference as described in this section, provided the meeting  
5 complies with all of the section's requirements and, except as set  
6 forth in this section, it also complies with all other applicable  
7 requirements of this article.

8 (b) A member of a state body as described in subdivision (a)  
9 who participates in a teleconference meeting from a remote location  
10 subject to this section's requirements shall be listed in the minutes  
11 of the meeting.

12 (c) The state body shall provide notice to the public at least 24  
13 hours before the meeting that identifies any member who will  
14 participate remotely by posting the notice on its Internet Web site  
15 and by emailing notice to any person who has requested notice of  
16 meetings of the state body under this article. The location of a  
17 member of a state body who will participate remotely is not  
18 required to be disclosed in the public notice or email and need not  
19 be accessible to the public. The notice of the meeting shall also  
20 identify the primary physical meeting location designated pursuant  
21 to subdivision (e).

22 (d) This section does not affect the requirement prescribed by  
23 this article that the state body post an agenda of a meeting at least  
24 10 days in advance of the meeting. The agenda shall include  
25 information regarding the physical meeting location designated  
26 pursuant to subdivision (e), but is not required to disclose  
27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the  
29 primary physical meeting location in the notice of the meeting  
30 where members of the public may physically attend the meeting  
31 and participate. A quorum of the members of the state body shall  
32 be in attendance at the primary physical meeting location, and  
33 members of the state body participating remotely shall not count  
34 towards establishing a quorum. All decisions taken during a  
35 meeting by teleconference shall be by rolleall vote. The state body  
36 shall post the agenda at the primary physical meeting location, but  
37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)  
39 participates remotely in a meeting subject to this section's  
40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe  
 2 the meeting, including, if available, equal access equivalent to  
 3 members of the state body participating remotely. The applicable  
 4 teleconference phone number or Internet Web site, or other  
 5 information indicating how the public can access the meeting  
 6 remotely, shall be in the 24-hour notice described in subdivision  
 7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required  
 9 by subdivision (f) has failed during a meeting, the state body  
 10 described in subdivision (a) shall end or adjourn the meeting in  
 11 accordance with Section 11128.5. In addition to any other  
 12 requirements that may apply, the state body shall provide notice  
 13 of the meeting's end or adjournment on its Internet Web site and  
 14 by email to any person who has requested notice of meetings of  
 15 the state body under this article. If the meeting will be adjourned  
 16 and reconvened on the same day, further notice shall be provided  
 17 by an automated message on a telephone line posted on the state  
 18 body's agenda, or by a similar means, that will communicate when  
 19 the state body intends to reconvene the meeting and how a member  
 20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:  
 22 (1) "Participate remotely" means participation in a meeting at  
 23 a location other than the physical location designated in the agenda  
 24 of the meeting.

25 (2) "Remote location" means a location other than the primary  
 26 physical location designated in the agenda of a meeting.

27 (3) "Teleconference" has the same meaning as in Section 11123.

28 (i) This section does not limit or affect the ability of a state body  
 29 to hold a teleconference meeting under another provision of this  
 30 article.

31 SEC. 5. Section 11124 of the Government Code is amended  
 32 to read:

33 11124. (a) No person shall be required, as a condition to  
 34 attendance at a meeting of a state body, to register his or her *the*  
 35 *person's* name, to provide other information, to complete a  
 36 questionnaire, or otherwise to fulfill any condition precedent to  
 37 his or her *the person's* attendance.

38 If  
 39 (b) If an attendance list, register, questionnaire, or other similar  
 40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to  
2 persons present during the meeting, it shall state clearly that the  
3 signing, registering, or completion of the document is voluntary,  
4 and that all persons may attend the meeting regardless of whether  
5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*  
7 *online platform that may require identification to log into a*  
8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended  
10 to read:

11 11125. (a) The state body shall provide notice of its meeting  
12 to any person who requests that notice in writing. Notice shall be  
13 given and also made available on the ~~Internet~~ *state body's internet*  
14 *website* at least 10 days in advance of the meeting, and shall include  
15 the name, address, and telephone number of any person who can  
16 provide further information prior to the meeting, but need not  
17 include a list of witnesses expected to appear at the meeting. The  
18 written notice shall additionally include the address of the ~~Internet~~  
19 *site internet website* where notices required by this article are made  
20 available. *The notice shall specify the means by which a meeting*  
21 *may be accessed by teleconference in accordance with the*  
22 *requirements of subparagraph (C) of paragraph (1) of subdivision*  
23 *(b) of Section 11123, including sufficient information necessary*  
24 *to access the teleconference. The notice shall also specify any*  
25 *designated physical meeting location at which the public may*  
26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall  
28 include a specific agenda for the meeting, containing a brief  
29 description of the items of business to be transacted or discussed  
30 in either open or closed session. A brief general description of an  
31 item generally need not exceed 20 words. A description of an item  
32 to be transacted or discussed in closed session shall include a  
33 citation of the specific statutory authority under which a closed  
34 session is being held. No item shall be added to the agenda  
35 subsequent to the provision of this notice, unless otherwise  
36 permitted by this article.

37 ~~(e) Notice of a meeting of a state body that complies with this~~  
38 ~~section shall also constitute notice of a meeting of an advisory~~  
39 ~~body of that state body, provided that the business to be discussed~~  
40 ~~by the advisory body is covered by the notice of the meeting of~~

1 ~~the state body, provided that the specific time and place of the~~  
2 ~~advisory body's meeting is announced during the open and public~~  
3 ~~state body's meeting, and provided that the advisory body's~~  
4 ~~meeting is conducted within a reasonable time of, and nearby, the~~  
5 ~~meeting of the state body.~~

6 ~~(d)~~

7 (c) A person may request, and shall be provided, notice pursuant  
8 to subdivision (a) for all meetings of a state body or for a specific  
9 meeting or meetings. In addition, at the state body's discretion, a  
10 person may request, and may be provided, notice of only those  
11 meetings of a state body at which a particular subject or subjects  
12 specified in the request will be discussed.

13 ~~(e)~~

14 (d) A request for notice of more than one meeting of a state  
15 body shall be subject to the provisions of Section 14911.

16 ~~(f)~~

17 (e) The notice shall be made available in appropriate alternative  
18 formats, as required by Section 202 of the Americans with  
19 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal  
20 rules and regulations adopted in implementation thereof, upon  
21 request by any person with a disability. The notice shall include  
22 information regarding how, to whom, and by when a request for  
23 any disability-related modification or accommodation, including  
24 auxiliary aids or services may be made by a person with a disability  
25 who requires these aids or services in order to participate in the  
26 public meeting.

27 (f) *State bodies shall conduct meetings subject to this chapter*  
28 *consistent with applicable state and federal civil rights laws,*  
29 *including, but not limited to, any applicable language access and*  
30 *other nondiscrimination obligations.*

31 SEC. 7. Section 11125.4 of the Government Code is amended  
32 to read:

33 11125.4. (a) A special meeting may be called at any time by  
34 the presiding officer of the state body or by a majority of the  
35 members of the state body. A special meeting may only be called  
36 for one of the following purposes when compliance with the 10-day  
37 notice provisions of Section 11125 would impose a substantial  
38 hardship on the state body or when immediate action is required  
39 to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in  
2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or  
6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real  
8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant  
11 to Division 31 (commencing with Section 50000) of the Health  
12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit  
14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body  
16 upon the death, incapacity, or vacancy in the office of the executive  
17 officer.
- 18 (10) *To deliberate on a decision to be reached in a proceeding*  
19 *required to be conducted pursuant to Chapter 5 (commencing with*  
20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the  
22 purposes specified in subdivision (a), the state body shall provide  
23 notice of the special meeting to each member of the state body and  
24 to all parties that have requested notice of its meetings as soon as  
25 is practicable after the decision to call a special meeting has been  
26 made, but shall deliver the notice in a manner that allows it to be  
27 received by the members and by newspapers of general circulation  
28 and radio or television stations at least 48 hours before the time  
29 of the special meeting specified in the notice. Notice shall be made  
30 available to newspapers of general circulation and radio or  
31 television stations by providing that notice to all national press  
32 wire services. Notice shall also be made available on the Internet  
33 within the time periods required by this section. The notice shall  
34 specify the time and place of the special meeting and the business  
35 to be transacted. The written notice shall additionally specify the  
36 address of the ~~Internet Web site~~ *internet website* where notices  
37 required by this article are made available. No other business shall  
38 be considered at a special meeting by the state body. The written  
39 notice may be dispensed with as to any member who at or prior  
40 to the time the meeting convenes files with the clerk or secretary

1 of the state body a written waiver of notice. The waiver may be  
2 given by telegram, facsimile transmission, or similar means. The  
3 written notice may also be dispensed with as to any member who  
4 is actually present at the meeting at the time it convenes. Notice  
5 shall be required pursuant to this section regardless of whether any  
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body  
8 must make a finding in open session that the delay necessitated  
9 by providing notice 10 days prior to a meeting as required by  
10 Section 11125 would cause a substantial hardship on the body or  
11 that immediate action is required to protect the public interest. The  
12 finding shall set forth the specific facts that constitute the hardship  
13 to the body or the impending harm to the public interest. The  
14 finding shall be adopted by a two-thirds vote of the body, or, if  
15 less than two-thirds of the members are present, a unanimous vote  
16 of those members present. The finding shall be made available on  
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the  
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended  
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned  
22 regular, special, or adjourned special meeting to a time and ~~place~~  
23 *place, including by teleconference*, specified in the order of  
24 adjournment. Less than a quorum may so adjourn from time to  
25 time. If all members are absent from any regular or adjourned  
26 regular meeting, the clerk or secretary of the state body may declare  
27 the meeting adjourned to a stated time and ~~place~~ *place, including*  
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall  
29 cause a written notice of the adjournment to be given in the same  
30 manner as provided in Section 11125.4 for special meetings, unless  
31 that notice is waived as provided for special meetings. A copy of  
32 the order or notice of adjournment shall be conspicuously posted  
33 *on the state body's internet website, and if applicable*, on or near  
34 the door of the place where the regular, adjourned regular, special,  
35 or adjourned special meeting was held within 24 hours after the  
36 time of the adjournment. When a regular or adjourned regular  
37 meeting is adjourned as provided in this section, the resulting  
38 adjourned regular meeting is a regular meeting for all purposes.  
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held  
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended  
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be  
6 held by a state body at any meeting may by order or notice of  
7 continuance be continued or recontinued to any subsequent meeting  
8 of the state body in the same manner and to the same extent set  
9 forth in Section 11128.5 for the adjournment of meetings. A copy  
10 of the order or notice of continuance shall be conspicuously posted  
11 *on the state body's internet website, and if applicable*, on or near  
12 the door of the place where the hearing was held within 24 hours  
13 after the time of the continuance; provided, that if the hearing is  
14 continued to a time less than 24 hours after the time specified in  
15 the order or notice of hearing, a copy of the order or notice of  
16 continuance of hearing shall be posted immediately following the  
17 meeting at which the order or declaration of continuance was  
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act  
20 to improve and enhance public access to state and local agency  
21 meetings by allowing broader access through teleconferencing  
22 options consistent with the Governor's Executive Order No.  
23 N-29-20 dated March 17, 2020, and related executive orders,  
24 permitting expanded use of teleconferencing during the COVID-19  
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety within  
28 the meaning of Article IV of the California Constitution and shall  
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government  
31 participation by the public, and increase transparency in state  
32 government operations during the COVID-19 pandemic, it is  
33 necessary that this act take effect immediately.

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AMENDED IN ASSEMBLY MARCH 28, 2022

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2452**

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**Introduced by Assembly Member Chen**

February 17, 2022

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An act to amend ~~Section~~ *Sections 8698, 8698.1, and 8698.6* of the Business and Professions Code, relating to structural fumigation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as amended, Chen. Structural Fumigation Enforcement Program.

Existing law, until January 1, 2023, establishes a structural fumigation enforcement program that requires the Director of the Department of Pesticide Regulation to provide oversight for the program. Under that program, existing law requires any company performing a structural fumigation in specified counties, including the ~~County~~ *Counties* of Los Angeles, *Orange, Santa Clara, and San Diego*, to pay the county agricultural commissioner a prescribed fee for each fumigation conducted at a specific location. Existing law authorizes the commissioners of those counties to perform increased structural fumigation, inspection, and enforcement activities to be funded by the required fee, and requires these funds to be paid to the county and used for the sole purpose of funding enforcement and training activities directly related to the structural fumigation program.

This bill would extend the operation of these provisions to January 1, ~~2024.~~ *2024, and would remove the County of San Diego from the structural fumigation enforcement program.*

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 8698 of the Business and Professions  
2     Code is amended to read:  
3     8698. The Director of the Department of Pesticide Regulation  
4     shall provide oversight for the purposes of carrying out Section  
5     8698.1. The Los Angeles County Agricultural Commissioner, the  
6     Orange County Agricultural Commissioner, *and* the Santa Clara  
7     County Agricultural Commissioner, ~~and the San Diego County~~  
8     Agricultural Commissioner may perform increased structural  
9     fumigation, inspection, and enforcement activities, to be funded  
10    by the eight-dollar (\$8) fee collected pursuant to Section 8698.1.  
11    SEC. 2. Section 8698.1 of the Business and Professions Code  
12    is amended to read:  
13    8698.1. (a) Any company that performs a structural fumigation  
14    in Los Angeles County, Orange County, *or* Santa Clara County,  
15    ~~or San Diego County~~ shall pay to the county agricultural  
16    commissioner a fee of eight dollars (\$8) for each fumigation  
17    conducted at a specific location.  
18    (b) The fees shall be submitted by the 10th day of the month  
19    following the month in which the structural fumigation was  
20    performed. The fees shall be accompanied by report that lists the  
21    addresses of all locations in that county at which a structural  
22    fumigation was performed during the prior month.  
23    ~~SECTION 1.~~  
24    SEC. 3. Section 8698.6 of the Business and Professions Code  
25    is amended to read:  
26    8698.6. This chapter shall remain in effect only until January  
27    1, 2024, and as of that date is repealed.

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**Introduced by Senator Newman**February 15, 2022

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An act to add Section 8693 to the Business and Professions Code, relating to structural pest control.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1064, as introduced, Newman. Structural pest control: workers' compensation insurance coverage.

Existing law establishes the Structural Pest Control Board, within the Department of Consumer Affairs, and requires the board to license and regulate structural pest control operators, as specified. Existing law makes a violation of provisions regulating structural pest control operators a misdemeanor.

Existing law, the Contractors' State License Law, provides for the licensing and regulation of contractors by the Contractors State License Board within the Department of Consumer Affairs. Existing law requires every licensed contractor, or applicant for licensure, to have on file at all times with the Contractors State License Board a current and valid Certificate of Workers' Compensation Insurance or Certification of Self-Insurance, or a statement certifying that they have no employees and are not required to obtain or maintain workers' compensation insurance, and specifies various rules that apply to certain license classifications. Existing law requires the insurer, including the State Compensation Insurance Fund, to report to the registrar of contractors the name, license number, policy number, dates that coverage is scheduled to commence and lapse, and cancellation date if the policy is canceled for specified reasons. Existing law provides that willful or deliberate disregard and violation of workers' compensation insurance laws constitutes a cause for disciplinary action.

This bill would, similar to the provision governing contractors, prohibit the Structural Pest Control Board from issuing, reinstating, or continuing to maintain any structural pest control operator company registration under this chapter unless the applicant or existing company has filed a current and valid Certificate of Workers' Compensation Insurance as evidence of current and valid Workers' Compensation Insurance coverage, or a statement certifying that they have no employees and are not required to obtain or maintain workers' compensation insurance. The bill would also require the insurer, including the State Compensation Insurance Fund, to report to the registrar of the Structural Pest Control Board the company name, registration number, policy number, dates that coverage is scheduled to commence and lapse, and cancellation date if the policy is canceled for specified reasons. The bill would provide that willful or deliberate disregard and violation of workers' compensation insurance laws constitutes a cause for disciplinary action, and that a violation of these provisions is not a misdemeanor, as specified.

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 8693 is added to the Business and  
 2 Professions Code, to read:  
 3 8693. (a) The board shall not issue, reinstate, or continue to  
 4 maintain any company registration under this chapter unless the  
 5 applicant or existing company has filed a current and valid  
 6 Certificate of Workers' Compensation Insurance as evidence of  
 7 current and valid Workers' Compensation Insurance coverage. A  
 8 Certificate of Workers' Compensation Insurance shall be issued  
 9 and filed, electronically or otherwise, by an insurer duly licensed  
 10 to write workers' compensation insurance in this state. If  
 11 reciprocity conditions exist, as provided in Section 3600.5 of the  
 12 Labor Code, the registrar shall require the information deemed  
 13 necessary to ensure compliance with this section.  
 14 (b) This section does not apply to a registered company that has  
 15 no employees provided that a statement is filed with the board on  
 16 a form prescribed by the registrar prior to the issuance,  
 17 reinstatement, or continued maintenance of a company registration,  
 18 certifying that the registered company does not employ any person

1 in any manner so as to become subject to the workers'  
2 compensation laws of California or is not otherwise required to  
3 provide for workers' compensation insurance coverage under  
4 California law.

5 (c) (1) The insurer, including the State Compensation Insurance  
6 Fund, shall report to the registrar the following information for  
7 any policy required under this section: company name, registration  
8 number, policy number, dates that coverage is scheduled to  
9 commence and lapse, and cancellation date if applicable.

10 (2) A workers' compensation insurer shall also report to the  
11 registrar a registered company whose workers' compensation  
12 insurance policy is canceled by the insurer if all of the following  
13 conditions are met:

14 (A) The insurer has completed a premium audit or investigation.

15 (B) A material misrepresentation has been made by the insured  
16 that results in financial harm to the insurer.

17 (C) No reimbursement has been paid by the insured to the  
18 insurer.

19 (d) (1) Willful or deliberate disregard and violation of workers'  
20 compensation insurance laws constitutes a cause for disciplinary  
21 action by the registrar against the registered company and the  
22 qualifying manager or managers.

23 (2) The provisions of Section 8553 shall not apply to any  
24 violation of this section.

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An act to amend Sections 8051 and 19951 of, and to add Section 19440.1 to, the Business and Professions Code, to amend Sections 51.7, 52, 54.3, 4225, and 6606 of the Civil Code, to amend Section 67380 of the Education Code, to amend Sections 3527, 7903, 8310.7, 8310.8, 9112, 9112.5, 11136, 11343, 11512, 11540, 12804, 12901, 12903, 12907, 12925, 12935, 12940, 12940.3, 12944, 12945, 12965, 13957, 14692, 15670, 15676.2, 18720, 18720.2, 18720.3, 18720.4, 19704, 50085.5, and 65040 of, to amend the headings of Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of, and Article 2 (commencing with Section 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of, to add Sections 8286.5, 8310.6, 11540.5, 12482, and 12816.5 to, to add Chapter 1.5 (commencing with Section 16343) to Part 2 of Division 4 of Title 2 of, and Article 5.5 (commencing with Section 65052) to Chapter 1.5 of Division 1 of Title 7 of, and to add and repeal Section 11133 of, and to add and repeal Article 5.10 (commencing with Section 8590.15) of Chapter 7 of Division 1 of Title 2 of, and to repeal Section 15676.5 of, the Government Code, to amend Sections 1262.6 and 17008.5 of, and to add Section 131052.5 to, the Health and Safety Code, to amend Sections 107.5, 1156.3, 1424, 1429, 1429.5, 1430, 1684, 1697.5, 1700.50, 1700.52, 3073, and 3073.9 of the Labor Code, to amend Sections 243.4, 422.92, and 679.10 of the Penal Code, to add Section 95.60 to the Revenue and Taxation Code, to amend Sections 1095 and 14034 of the Unemployment Insurance Code, and to amend Section 11216.2 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[ Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022. ]

(20) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

This bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference

location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided.

This bill would repeal those provisions as of July 1, 2023.

SEC. 80. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 20 of this act, which adds and repeals Section 11133 of the Government Code, increases and potentially limits the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.