

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

INTRODUCED

LLS NO. 26-0745.01 Kaylee Reiner x2739

SENATE BILL 26-006

SENATE SPONSORSHIP

Gardner, Azalea

HOUSE SPONSORSHIP

Mitchell, Mays

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

CONCERNING OPEN MEETINGS OF PUBLIC BODIES, AND, IN CONNECTION THEREWITH,
ENSURING TRANSPARENCY IN GOVERNMENTAL DECISION-MAKING AND PUBLIC
ACCESS TO OFFICIAL PROCEEDINGS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill establishes requirements to ensure that meetings of public bodies are conducted openly and transparently. It requires advance public notice of meetings, mandates that official actions occur in open session, and limits the use of executive sessions. The bill

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

also provides enforcement mechanisms and remedies for violations to ensure accountability.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and may
4 be cited as the “Open Meetings and Records Act.” **SECTION 2.**
5 **LEGISLATIVE DECLARATION.** The General Assembly hereby
6 finds and declares that: (a) The formation of public policy is
7 public business and shall not be conducted in secret; (b) Citizens
8 must be informed to meaningfully participate in government; (c)
9 Transparency strengthens public trust and accountability.
10 **SECTION 3. DEFINITIONS.** As used in this act, unless the
11 context otherwise requires: (a) “Public body” means any state or
12 local governmental entity, including boards, commissions,
13 authorities, and committees supported in whole or in part by
14 public funds. (b) “Meeting” means any gathering, in person or by
15 electronic means, of two or more members of a public body at
16 which public business is discussed or formal action may be taken.
17 (c) “Formal action” means any vote, decision, or policy position
18 adopted by a public body. **SECTION 4. OPEN MEETINGS**
19 **REQUIRED.** (a) All meetings of a public body at which public
20 business is discussed or formal action may be taken shall be open
21 to the public at all times. (b) No formal action shall be taken
22 except in an open meeting. **SECTION 5. PUBLIC NOTICE.** (a)
23 Full and timely notice of all meetings shall be provided to the
24 public. (b) Notice shall include: (I) The date, time, and location of
25 the meeting; (II) An agenda, when available; (III) Instructions for
26 remote participation, if applicable. (c) Public bodies shall
27 designate a location for posting notices, including electronic
28 posting on an official website when available. **SECTION 6.**
29 **MINUTES AND RECORDS.** (a) Public bodies shall keep

1 minutes of all meetings, which shall include: (I) The date, time,
2 and place; (II) Members present and absent; (III) A summary of
3 discussion; (IV) All votes taken. (b) Minutes shall be made
4 available for public inspection within a reasonable time.

5 **SECTION 7. EXECUTIVE SESSIONS.** (a) A public body may
6 hold an executive session only for the following purposes: (I)
7 Legal advice from an attorney; (II) Matters required to be kept
8 confidential by law; (III) Personnel matters, excluding elected
9 officials; (IV) Negotiations or strategy relating to contracts. (b)
10 Before convening in executive session, the public body shall: (I)
11 Announce in open session the specific statutory basis authorizing
12 the executive session; (II) Describe the general subject matter to
13 be discussed with sufficient detail to inform the public without
14 compromising the purpose of the executive session; (III) Adopt a
15 motion by a two-thirds majority of the members present. (c)
16 Limitations. (I) No formal action, vote, or final policy decision
17 shall be taken in executive session. (II) Discussions in executive
18 session shall be strictly limited to the announced purpose. (d)
19 Record of Executive Session. (I) The public body shall
20 electronically record all executive sessions, except those held
21 solely for attorney-client privileged communications. (II) Such
22 recordings shall remain confidential but shall be retained for not
23 less than ninety days. (III) A court may review the recording in
24 camera to determine compliance with this act. (e) Confidentiality.
25 (I) Members of a public body shall not disclose confidential
26 information obtained during an executive session, except as
27 authorized by law. (II) A knowing violation of this subsection
28 may subject the member to penalties under this act. **SECTION 8.**
29 **ELECTRONIC MEETINGS.** (a) Meetings conducted by
30 electronic means are subject to this act. (b) Public bodies must
31 provide reasonable public access to observe or listen to such
32 meetings. **SECTION 9. ENFORCEMENT AND REMEDIES.** (a)
33 Any person denied rights under this act may apply to a court for

1 relief. (b) A court may: (I) Declare actions taken in violation of
2 this act null and void; (II) Issue injunctions to enforce
3 compliance; (III) Award costs and reasonable attorney fees to a
4 prevailing plaintiff. **SECTION 10. PENALTIES.** (a) A knowing
5 violation of this act by a member of a public body constitutes a
6 civil violation subject to a fine not to exceed five thousand
7 dollars. **SECTION 11. LEGISLATIVE MEETINGS,**
8 **COMMITTEES, AND PUBLIC HEARINGS.** (a) Applicability to
9 Legislative Bodies. The provisions of this act apply to meetings of
10 the General Assembly, including sessions of either chamber,
11 committees, joint committees, conference committees, and any
12 advisory bodies created by the legislature. (b) Open Meetings
13 Requirement. All meetings of legislative committees at which
14 public business is discussed or formal action may be taken shall
15 be open to the public. (c) All votes on legislation, amendments, or
16 procedural motions shall occur in open session. (d) Public Notice
17 for Legislative Meetings. Legislative committees shall provide
18 reasonable advance public notice of meetings, including the date,
19 time, location, and agenda when available. (I) Notice shall be
20 posted electronically on the official legislative website and, when
21 practicable, in physical locations accessible to the public. (e)
22 Short-Notice and Emergency Meetings. A legislative committee
23 may convene a meeting or hearing on less than twenty-four hours'
24 notice when: (I) The committee determines that time-sensitive
25 legislative business requires prompt consideration; or (II)
26 Compliance with standard notice requirements is impracticable
27 due to scheduling constraints within the legislative session. (f) In
28 such cases, the committee shall: (I) Provide as much notice as
29 practicable under the circumstances; (II) Clearly indicate that the
30 meeting is being held on short notice; (III) Make reasonable
31 efforts to notify interested parties and the public through
32 electronic means. (g) Public Hearings on Legislation. When a bill
33 is scheduled for hearing, the committee shall, to the extent

1 practicable, provide advance notice sufficient to allow public
2 participation. (h) Committees shall allow reasonable opportunities
3 for public testimony, including remote testimony when available,
4 except when: (I) Time constraints of the legislative calendar
5 require limitation; or (II) The chair determines that testimony
6 must be limited to ensure orderly and timely consideration of
7 legislation. (i) The chair may impose reasonable time limits on
8 testimony and establish procedures to ensure fair and orderly
9 participation. (j) Action on Bills Without Prior Hearing. A
10 committee may take action on a bill without a prior public hearing
11 only when: (I) The bill has previously received a public hearing in
12 the same chamber; or (II) The committee determines that exigent
13 circumstances require immediate action. (III) Any such
14 determination shall be stated on the record in open session. (k)
15 Electronic Access. Legislative committees shall provide live
16 audio or video access to meetings when technologically feasible.
17 (l) Recordings of meetings shall be made available to the public
18 within a reasonable time. (m) Construction. Nothing in this
19 section shall be construed to unduly restrict the ability of the
20 General Assembly to conduct its constitutional duties in an
21 efficient and timely manner. (n) This section shall be interpreted
22 to balance transparency with the practical demands of the
23 legislative process, and the time constraints of legislative sessions
24 under the San Andreas Constitution. **SECTION 12. SAFETY**
25 **CLAUSE.** The General Assembly hereby finds, determines, and
26 declares that this act is necessary for the immediate preservation
27 of the public peace, health, and safety.