

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

ENGROSSED

LLS NO. 26-0745.02 Kaylee Reiner x2739

SENATE BILL 26-006

SENATE SPONSORSHIP

Gardner, Azalea

HOUSE SPONSORSHIP

Mitchell, Mays

House Committees

Not assigned

Senate Committees

Government Administration, Elections &
Technology

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 referred to as the
4 “Open Meetings and Records Act.” **SECTION 2. LEGISLATIVE**
5 **DECLARATION.** The General Assembly hereby finds and
6 declares that: (a) The formation of public policy is public business
7 and shall not be conducted in secret; (b) Citizens must be
8 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 a quorum of the~~
16 members three or more members, or a quorum, whichever is
17 fewer of a public body at which public business is discussed or
18 formal action may be taken. For the purposes of this act,
19 “meeting” does not include chance gatherings or social occasions
20 at which public business is not the central purpose. (c) “Formal
21 action” means any vote, decision, or policy position adopted by a
22 public body. **SECTION 4. OPEN MEETINGS REQUIRED.** (a)
23 All meetings of a public body at which public business is
24 discussed or formal action may be taken shall be open to the
25 public at all times, except as otherwise provided in section 7 of
26 this act. (b) No formal action shall be taken except in an open
27 meeting. **SECTION 5. PUBLIC NOTICE.** (a) Full Reasonable
28 and timely notice of all meetings shall be provided to the public.
29 (b) Notice shall include: (I) The date, time, and location of the

1 meeting; (II) An agenda, when available; (III) Instructions for
2 remote participation, if applicable. (c) Public bodies shall
3 designate a location for posting notices, including electronic
4 posting on an official website when available. **SECTION 6.**
5 **MINUTES AND RECORDS.** (a) Public bodies shall keep
6 minutes of all meetings, which shall include: (I) The date, time,
7 and place; (II) Members present and absent; (III) A summary of
8 discussion summary of the subject matter discussed; (IV) All
9 votes taken. (b) Minutes shall be made available for public
10 inspection within a reasonable time. **SECTION 7. EXECUTIVE**
11 **SESSIONS.** (a) A public body may hold an executive session only
12 for the following purposes: ~~(I) Legal advice from an attorney~~ (I)
13 Legal advice from an attorney regarding specific litigation or
14 pending claims; (II) Matters required to be kept confidential by
15 law; (III) Personnel matters, excluding elected officials; (IV)
16 Negotiations or strategy relating to contracts; or (V) to discuss
17 sensitive vulnerabilities in state or local computing systems or
18 physical security protocols for government buildings. (b) Before
19 convening in executive session, the public body shall: (I)
20 Announce in open session the specific statutory basis authorizing
21 the executive session; (II) Describe the general subject matter to
22 be discussed with sufficient detail to inform the public without
23 compromising the purpose of the executive session; (III) Adopt a
24 motion by a two-thirds majority of the members present. (c)
25 Limitations. (I) No formal action, vote, or final policy decision
26 shall be taken in executive session. (II) Discussions in executive
27 session shall be strictly limited to the announced purpose. (d)
28 Record of Executive Session. (I) The public body shall
29 electronically record all executive sessions, except those held
30 solely for attorney-client privileged communications, or to discuss
31 specific security arrangements. ~~(II) Such recordings shall remain~~
32 confidential but shall be retained for not less than ninety days.
33 ~~(III) A court may review the recording in camera to determine~~

1 ~~compliance with this act.~~ (II) Retention of Recordings.
2 RECORDINGS OF EXECUTIVE SESSIONS SHALL BE
3 RETAINED FOR NOT LESS THAN TWO YEARS AND
4 SHALL BE SUBJECT TO MANDATORY JUDICIAL REVIEW
5 UPON A SWORN COMPLAINT ALLEGING A VIOLATION
6 OF THIS ACT. (e) Confidentiality. (I) Members of a public body
7 shall not disclose confidential information obtained during an
8 executive session, except as authorized by law. (II) A knowing
9 violation of this subsection may subject the member to penalties
10 under this act. **SECTION 8. ELECTRONIC MEETINGS.** (a)
11 Meetings conducted by electronic means are subject to this act.
12 ~~(b) Public bodies must provide reasonable public access to~~
13 ~~observe or listen to such meetings.~~ (b) Public observation.
14 PUBLIC BODIES MUST PROVIDE AN INTERACTIVE
15 PLATFORM FOR ELECTRONIC MEETINGS THAT ALLOWS
16 MEMBERS OF THE PUBLIC TO PROVIDE REAL-TIME
17 TESTIMONY OR COMMENTARY, RATHER THAN MERELY
18 OBSERVING OR LISTENING. **SECTION 9. ENFORCEMENT**
19 **AND REMEDIES.** (a) Any person denied rights under this act
20 may apply to a court for relief. (b) A court may: (I) Declare
21 actions taken in violation of this act null and void; (II) Issue
22 injunctions to enforce compliance; ~~(III) Award costs and~~
23 ~~reasonable attorney fees to a prevailing plaintiff.~~ (III) AWARD
24 COSTS AND REASONABLE ATTORNEY FEES TO A
25 PREVAILING PLAINTIFF; AND (IV) Impose a civil penalty
26 against the public body of five hundred dollars per day for each
27 day the violation continues. **SECTION 10. PENALTIES.** (a) A
28 knowing violation of this act by a member of a public body
29 ~~constitutes a civil violation~~ may be deemed a civil violation
30 subject to a fine not to exceed five thousand dollars. (b) any fine
31 collected under this section shall be credited to the state
32 transparency and open records fund. **SECTION 11.**
33 **LEGISLATIVE MEETINGS, COMMITTEES, AND PUBLIC**

1 HEARINGS. (a) Applicability to Legislative Bodies. The
2 provisions of this act apply to meetings of the General Assembly,
3 including sessions of either chamber, committees, joint
4 committees, conference committees, and any advisory bodies
5 created by the legislature. (b) Open Meetings Requirement. All
6 meetings of legislative committees at which public business is
7 discussed or formal action may be taken shall be open to the
8 public. (c) All votes on legislation, amendments, or procedural
9 motions shall occur in open session. (d) Public Notice for
10 Legislative Meetings. Legislative committees shall provide
11 reasonable advance public notice of meetings, including the date,
12 time, location, and agenda when available. (I) Notice shall be
13 posted electronically on the official legislative website and, when
14 practicable, in physical locations accessible to the public. (e)
15 Short-Notice and Emergency Meetings. A legislative committee
16 may convene a meeting or hearing on ~~less than twenty-four hours²~~
17 not less than two hours notice when: (I) The committee
18 determines that time-sensitive legislative business requires prompt
19 consideration; or (II) Compliance with standard notice
20 requirements is impracticable due to scheduling constraints within
21 the legislative session. (f) In such cases, the committee shall: (I)
22 Provide as much notice as practicable under the circumstances;
23 (II) Clearly indicate that the meeting is being held on short notice;
24 (III) Make reasonable efforts to notify interested parties and the
25 public through electronic means. (g) Public Hearings on
26 Legislation. When a bill is scheduled for hearing, the committee
27 shall, to the extent practicable, provide advance notice sufficient
28 to allow public participation. ~~(h) Committees shall allow~~
29 ~~reasonable opportunities for public testimony, including remote~~
30 ~~testimony when available, except when: (I) Time constraints of~~
31 ~~the legislative calendar require limitation; or (II) The chair~~
32 ~~determines that testimony must be limited to ensure orderly and~~
33 ~~timely consideration of legislation.~~ (h) Public Testimony.

1 COMMITTEES SHALL ALLOW EVERY PERSON WHO
2 REGISTERS TO TESTIFY A MINIMUM OF TWO MINUTES
3 OF TESTIMONY, WHICH TIME SHALL NOT BE REDUCED
4 UNLESS THE TOTAL NUMBER OF REGISTRANTS
5 EXCEEDS FIFTY PERSONS. (i) The chair may impose
6 reasonable time limits on testimony and establish procedures to
7 ensure fair and orderly participation. ~~(j) Action on Bills Without~~
8 ~~Prior Hearing. A committee may take action on a bill without a~~
9 ~~prior public hearing only when: (I) The bill has previously~~
10 ~~received a public hearing in the same chamber; or (II) The~~
11 ~~committee determines that exigent circumstances require~~
12 ~~immediate action. (III) Any such determination shall be stated on~~
13 ~~the record in open session.~~ (j) Public Hearing Requirement. NO
14 COMMITTEE SHALL TAKE FINAL ACTION ON A BILL
15 UNLESS THE BILL HAS RECEIVED A PUBLIC HEARING
16 WITH AT LEAST FORTY-EIGHT HOURS' ADVANCE
17 NOTICE. THE REQUIREMENTS OF THIS SUBSECTION
18 SHALL NOT BE WAIVED EXCEPT BY A TWO-THIRDS
19 VOTE OF THE ENTIRE MEMBERSHIP OF THE CHAMBER
20 IN WHICH THE BILL IS PENDING. ~~(k) Electronic Access:~~
21 ~~Legislative committees shall provide live audio or video access to~~
22 ~~meetings when technologically feasible.~~ (k) Electronic Access.
23 LEGISLATIVE COMMITTEES SHALL ENSURE THAT ALL
24 OPEN MEETINGS ARE BROADCAST LIVE VIA
25 HIGH-DEFINITION VIDEO AND AUDIO ON A PLATFORM
26 ACCESSIBLE TO THE PUBLIC WITHOUT COST OR
27 REGISTRATION. (l) Recordings of meetings shall be made
28 available to the public within a reasonable time. ~~(m) Construction:~~
29 ~~Nothing in this section shall be construed to unduly restrict the~~
30 ~~ability of the General Assembly to conduct its constitutional~~
31 ~~duties in an efficient and timely manner.~~ (m) Legislative
32 Prerogative. NOTHING IN THIS SECTION SHALL BE
33 CONSTRUED TO SUPERSEDE THE CONSTITUTIONAL

1 AUTHORITY OF EACH HOUSE TO DETERMINE THE
2 RULES OF ITS PROCEEDINGS. (n) This section shall be
3 interpreted to balance transparency with the practical demands of
4 the legislative process, and the time constraints of legislative
5 sessions under the San Andreas Constitution. **SECTION 12.**
6 **SAFETY CLAUSE.** The General Assembly hereby finds,
7 determines, and declares that this act is necessary for the
8 immediate preservation of the public peace, health, and safety.