

101 KAR 1:367. Standards of conduct and technology governing electronic media and still photography coverage of board proceedings.

RELATES TO: KRS 18A.075, 18A.0751, 18A.095

STATUTORY AUTHORITY: KRS Chapter 13A, 18A.0751

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075 requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751 specifies that the Personnel Board promulgate comprehensive administrative regulations provisions for the procedures to be utilized by the board in the conduct of hearings. This administrative regulation will govern the use of electronic media and still photography coverage of board proceedings.

Section 1. Equipment and Personnel.

(1) Not more than one (1) portable television camera (film camera - sixteen (16) mm sound on film (self-blinded) or video tape electronic camera), operated by not more than one (1) camera person, shall be permitted in any board proceeding. Not more than two (2) television cameras, operated by not more than one (1) camera person each, shall be permitted in any meeting of the board.

(2) Not more than one (1) still photographer, utilizing not more than two (2) still cameras with not more than two (2) lenses for each camera and related equipment for print purposes shall be permitted in any board proceeding.

(3) Not more than one (1) audio system for radio broadcast purposes shall be permitted in any board proceeding. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the hearing room. If no technically suitable audio system exists in the hearing room, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the presiding hearing officer.

(4) Requests for coverage, which need not be in any particular form, shall be made to the presiding hearing officer. Subject to the provisions of subsection (5) of this section, approval of such requests shall be regarded as approval of coverage for the print (photographs) or broadcast (radio and television) media generally.

(5) Any "pooling" arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the hearing officer to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the hearing officer shall exclude all contesting media personnel from a proceeding.

Section 2. Sound and Light Criteria.

(a) HL-74A, HL-53, HL-77, HL-33, HL-34, HL-35, HL-51, HL-79,
Ikegami HL-78A, HL-79A, HL-79D, ITC-350, ITC-240

(b) RCA TK76, TK78

(c) Sony DXC-1600 Trinicon, BVP-200, BVP- 3000, DXC-1640

(d) ASACA ACC-2006

(e) Hitachi SK80, SK90

(f) Hitachi FP-3030, FP3060A, FP-205, FP-405, GP7

(g) Philips LDK-25

(h) Sony ENG Camera
BVP-200

- (i) Fernseh Video Camera
- (j) JVC- 8800u ENG Camera
- (k) AKAI CVC-150, VTS-150
- (l) Panasonic WV-3085, NV-3085, AK-750, WV-3800
- (m) JVC GC-4800u, KY-2000

No artificial lighting device of any kind shall be employed in connection with the television camera.

(1) Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover board proceedings. Specifically, such photographic and audio equipment shall produce no greater sound or light, when such equipment is in good working order than the following equipment:

(2) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Specifically, such still camera equipment shall produce no greater sound or light than a thirty-five (35) mm Leica "M" Series Rangefinder camera, including blimped still reflect cameras, e.g., Nikon F2 or F3, which meet this sound and light criteria. No artificial lighting device of any kind shall be employed in connection with a still camera.

(3) It shall be the affirmative duty of media personnel to demonstrate to the hearing officer adequately in advance of any proceeding that the equipment sought to be utilized meets the sound and light criteria enunciated herein. A failure to obtain advance approval for equipment shall preclude its use in any proceeding.

Section 3. Location of Equipment Personnel.

(1) Television camera equipment shall be positioned in such location in the hearing room as shall be designated by the hearing officer. The area designated shall provide reasonable access to coverage. If areas remote from the hearing room which permit reasonable access to coverage are provided, all television camera and audio equipment shall be positioned only in such area. Video tape recording equipment which is not a component part of a television camera shall be located in an area remote from the hearing room.

(2) A still camera photographer shall position himself in such location in the hearing room as shall be designated by the hearing officer. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position within the designated area and, once a photographer has established himself in a shooting position, he shall act so as not to call attention to himself through further movement. Still camera photographers shall not be permitted to move about in order to obtain photographs of board proceedings.

(3) Broadcast media representatives shall not move about the hearing room while proceedings are in session, and microphones or taping equipment once positioned as required by Section 1(3) of this administrative regulation shall not be moved during the proceeding.

Section 4. Movement During Proceedings. News media photographic or audio equipment shall not be placed in or removed from the hearing room except prior to commencement or after adjournment of proceedings each day, or during a recess. Neither television film magazines nor still camera film or lenses shall be changed in the hearing room except during a recess in the proceeding.

Section 5. Hearing Room Light Sources. With the concurrence of the hearing officer, modifications and additions may be made in light sources existing in the hearing room,

provided such modifications or additions are installed and maintained without public expense.

Section 6. Conferences of Counsel. To protect the attorney- client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences which occur in the hearing room between attorneys and their clients, between co-counsel of a client, or between counsel and the hearing officer held at the bench.

Section 7. Use of Media Material. None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of a board proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any rehearing or appeal of such proceedings.

Section 8. Confidentiality.

(1) In order to protect the legally recognized interests in confidentiality of individuals, any party may move to exclude electronic media or still photographers from the hearing room during all or any portion of a hearing. The hearing officer shall not unreasonably refuse such a request.

(2) The hearing officer, on his own motion, may exclude electronic media or still photographers from the hearing room during all or a portion of a hearing in his sound discretion.

Section 9. Board Meetings. This administrative regulation shall apply to meetings of the full board. Where this administrative regulation is to be applied to a meeting of the full board any function of the hearing officer as set out herein shall be performed by the chairman or vice-chairman of the board or in their absence, the member of the board who is moderating the board meeting.

(16 Ky.R. 2285; Am. 2648; eff. 6-10-90; Certified to be amended; filing deadline 8-25-2021.)