

1 AN ACT relating to video teleconference meetings.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔ SECTION 1. A NEW SECTION OF KRS 61.870 TO 61.884 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) A public agency with a board or commission of appointed or elected members
6 shall publish information on its appointed and elected members on its website for
7 the duration of each member's term, including:

- 8 (a) The name of each member;
- 9 (b) Each member's date of appointment or election;
- 10 (c) The date that the term of each member ends; and
- 11 (d) An official method to contact each member.

12 (2) If a public agency does not have a website, it shall have the information described
13 in subsection (1)(a) to (d) of this section published by a related public agency on
14 its website.

15 ➔ Section 2. KRS 61.826 is amended to read as follows:

16 (1) A public agency may conduct any meeting entirely through publicly available
17 video teleconference to carry out its public business, including but not limited to:

- 18 (a) Advisory actions;
- 19 (b) Informational meetings;
- 20 (c) Rendering decisions on individual cases before the public agency subject to
21 the limitations of KRS 61.810; and
- 22 (d) Approving business transactions of a routine nature.

23 (2) A public agency shall convene, at a minimum, a quorum of members in person,
24 and allow other members to attend, participate, and vote through video
25 teleconference in accordance with KRS 61.805 to 61.850 for any of the following
26 actions:

- 27 (a) Establishing or modifying laws or regulations;

1 **(b) Establishing or modifying taxes;**

2 **(c) Approving or denying a nonroutine expenditure; and**

3 **(d) Approving or denying an award or grant of public funds in excess of one**

4 **hundred thousand dollars (\$100,000).**

5 **(3) A public agency shall be exempt from the requirements of subsection (2) of this**

6 **section during a declared state of emergency.**

7 **(4) A public agency shall develop policies and procedures to allow members to**

8 **participate in a meeting using video teleconference, including but not be limited**

9 **to:**

10 **(a) Attendance and participation policies for members of the public agency that**

11 **attend virtually through video teleconference. The policies shall at**

12 **minimum require the members to:**

13 **1. Be considered present and in attendance at the meeting;**

14 **2. Be permitted to vote; and**

15 **3. Remain visible through his or her camera on the electronic device**

16 **connected to the video teleconference meeting;**

17 **(b) Governing the request, notification, and decision framework process for**

18 **members to attend virtually through video teleconference for meetings**

19 **subject to the requirements of this section;**

20 **(c) Accommodation of requests received from a member due to:**

21 **1. A temporary or permanent disability or other medical condition of the**

22 **member that prevents in-person attendance; and**

23 **2. A personal matter that impedes the ability of the member to participate**

24 **in person, including but not limited to personal or family emergencies,**

25 **severe weather conditions, and transportation issues; and**

26 **(d) Ensuring that all records and recordings of video teleconference meetings**

27 **comply with the Open Records Act, KRS 61.870 to 61.884.**

1 (5)(2) Notice of a video teleconference meeting shall:

2 (a) Comply with the requirements of KRS 61.820 or 61.823 as appropriate;

3 (b) Clearly state that the meeting will be a video teleconference;

4 (c) Provide specific information on how any member of the public or media
5 organization may view the meeting electronically; and

6 (d) In any case where the public agency is providing~~has elected to provide~~ a
7 physical location, in accordance with subsection (2) of this section, or in any
8 circumstance where two (2) or more members of the public agency are
9 attending a video teleconference meeting from the same physical location,
10 precisely identify a primary physical location of the video teleconference
11 where all members can be seen and heard and the public may attend in
12 accordance with KRS 61.840.

13 (6)(3) The same procedures with regard to participation, distribution of materials,
14 and other matters shall apply in all video teleconference locations. Members of the
15 public agency who participate in a video teleconference shall remain visible on
16 camera at all times that business is being discussed.

17 (7)(4) Any interruption in the video or audio broadcast of a video teleconference at
18 any location shall result in the suspension of the video teleconference until the
19 broadcast is restored.

20 (8)(5) If a regular meeting is changed to a video conference, the meeting shall
21 remain a regular meeting if the meeting occurs on the same date and time as
22 originally scheduled and the public agency follows the provisions of KRS 61.823(4)
23 to provide a notice that meets the requirements of subsection (5)(2)(b) to (d) of
24 this section.