

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.