

1           AN ACT relating to video teleconference meetings.

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

3           ➔Section 1. KRS 12.070 is amended to read as follows:

4    (1) For the purpose of this section, "minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented on state boards and commissions.

8    (2) Except as otherwise expressly provided by law, the members of each administrative board or commission shall be citizens of Kentucky appointed by the Governor from the state at large on the basis of their interests in public affairs, their good judgment, and their knowledge and ability in the field of action of the department for which appointed, with a view to providing diversity of interests and points of view in the membership and without regard to their political or religious opinions or affiliations.

15   (3) Where appointments to administrative boards and commissions are made from lists submitted to him or her, the Governor may reject the list and require that other lists be submitted. Notwithstanding any provision to the contrary, in the event the current membership of a board or commission reflects a proportion of the minority group less than the proportion of the minority group in the total population of the Commonwealth, then the Governor may appoint a member of the minority group even if the list of nominees for a vacancy does not include a member of the minority group.

23   (4) Before entering upon the duties of their office, all members of administrative boards and commissions shall take the oath of office prescribed by Section 228 of the Constitution of Kentucky.

26   (5) (a) A board, commission, or similar administrative body may conduct video teleconference meetings in accordance with Section 2 of this Act to allow

1                   members of the public to attend and participate.

2                   (b) 1. A member of a board, commission, or similar administrative body may  
3                   attend a meeting virtually through video teleconference unless a  
4                   decision of the board, commission, or similar administrative body at  
5                   the meeting:

6                   a. Would result in an action that implements, interprets, or  
7                   prescribes law or policy or affects private rights or procedures  
8                   available to the public; or  
9                   b. Administers or awards funds.

10                   2. Members who attend a meeting virtually through video teleconference  
11                   shall not receive reimbursement for travel expenses.

12                   (6) When a board, commission, or similar administrative body is established and no  
13                   provision is made for compensation of members, members shall serve without pay,  
14                   but may receive reimbursement for their actual and necessary expenses.

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

16                   (1) A public agency may conduct any meeting through video teleconference.  
17                   (2) Notice of a video teleconference meeting shall:  
18                   (a) Comply with the requirements of KRS 61.820 or 61.823 as appropriate;  
19                   (b) Clearly state that the meeting will be a video teleconference;  
20                   (c) Provide specific information on how any member of the public or media  
21                   organization may view the meeting electronically; and  
22                   (d) In any case where the public agency has elected to provide a physical  
23                   location, or in any circumstance where two (2) or more members of the public  
24                   agency are attending a video teleconference meeting from the same physical  
25                   location, precisely identify a primary physical location of the video  
26                   teleconference where all members can be seen and heard and the public may  
27                   attend in accordance with KRS 61.840.

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

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

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

13      **(6) A member of a public agency who participates in a video teleconference meeting**  
14      **or attends a regular meeting virtually through video teleconference shall not**  
15      **receive reimbursement for travel expenses.**

16      ➔Section 3. KRS 164.004 is amended to read as follows:

17      (1) The Strategic Committee on Postsecondary Education is hereby created and  
18      established. The committee shall be composed of members appointed by the  
19      Council on Postsecondary Education, the Governor, and the General Assembly. The  
20      council's representatives shall consist of the chair of the council, the president of the  
21      council, and five (5) members of the council designated by the chair. The  
22      Governor's representatives shall consist of the Governor and six (6) persons  
23      designated by the Governor. The General Assembly's representatives shall consist  
24      of the President of the Senate, the Speaker of the House of Representatives, the  
25      Majority and Minority Floor Leaders of both chambers of the General Assembly,  
26      the minority caucus chair of each chamber, a member appointed by the President of  
27      the Senate, a member appointed by the Speaker of the House of Representatives, a

1 member appointed by the Minority Floor Leader of the Senate, a member appointed  
2 by the Minority Floor Leader of the House of Representatives, and the chair of the  
3 Committee on Appropriations and Revenue of each chamber.

4 (2) The chair of the council shall serve as chair of the committee. The committee shall  
5 meet at least quarterly and at other times upon the written call of the chair or of  
6 majorities of any two (2) of the three (3) groups that compose the committee.

7 (3) Nonlegislative members of the committee shall serve without compensation but  
8 shall be reimbursed for their actual and necessary expenses, as set forth in KRS  
9 12.070(5) and (6). Committee members who are Kentucky legislators shall be  
10 compensated for attendance at committee meetings from the legislative branch  
11 budget bill and as set forth in KRS 6.190.

12 (4) The committee shall serve as a forum for the council and the elected leadership of  
13 the Commonwealth to exchange ideas about the future of postsecondary education  
14 in Kentucky.

15 (5) The council shall periodically review its strategic implementation plan for the  
16 strategic agenda under KRS 164.0203 and advise the committee of the actions  
17 necessary to meet the goals established in KRS 164.003(2). The elected leaders  
18 shall review and comment on the strategic agenda and the timetable for  
19 implementation.

20 (6) The Governor shall advise the committee about the financial condition of the  
21 Commonwealth and the probable funds the executive branch intends to recommend  
22 to the General Assembly to be appropriated for postsecondary education.

23 (7) The legislative members shall react to the comments of the council and the  
24 Governor.

25 (8) The council shall advise the committee about its opinion of how the postsecondary  
26 education funds projected to be available should be allocated based on priorities and  
27 projected resources. Nothing in this section shall be construed to infringe upon the

1        Governor's duty under KRS 48.100 to recommend appropriations to the General  
2        Assembly or upon the General Assembly's power to make final appropriations in  
3        the enacted budget.

4        (9) The committee shall have the advisory authority not explicitly prohibited by law  
5        that is necessary to carry out and effectuate its advisory functions, duties, and  
6        responsibilities, including the following:

7            (a) Receive reports from the council on the development and implementation of  
8            the long-term strategic agenda, including biennial budget requests for  
9            postsecondary education and any subsequent and related budget requests;

10           (b) Review the council's proposed objectives and benchmarks for the next fiscal  
11           biennium for furthering the Commonwealth's achievement of the goals set out  
12           in KRS 164.003(2);

13           (c) Consider and advise the council on the general budget parameters regarding  
14           development of the postsecondary budget for the next fiscal biennium;

15           (d) Review biennial budget requests from the council for the next fiscal biennium  
16           including base funding, increases in base funding, and funding for a strategic  
17           investment and incentive funding program, including criteria to be used in  
18           allocating these funds to institutions;

19           (e) Receive from the council, at least annually and on a more frequent basis if  
20           requested by the committee, accountability reports, budget information, and  
21           other information the committee deems proper; and

22           (f) Serve as the search committee for the review and consideration of candidates  
23           to be presented to the council for the initial appointment to the position of  
24           president of the Council on Postsecondary Education. Each group of the  
25           committee shall have one (1) vote on the search committee. The vote of each  
26           group shall be determined by a majority of the members of that group.