

1 AN ACT relating to public meetings.

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

3 ➔Section 1. KRS 61.815 is amended to read as follows:

4 (1) Except as provided in subsection (2) of this section, the following requirements
5 shall be met as a condition for conducting closed sessions authorized by KRS
6 61.810:

7 (a) Notice shall be given in regular open meeting ***by the presiding officer of the***
8 ***meeting*** of:

9 ***1.*** The general nature of the business to be discussed in closed session;~~[-]~~

10 ***2.*** The reason for the closed session, and the specific provision of KRS
11 61.810 authorizing the closed session; ***and***

12 ***3. Any persons who will also be convening in the closed session who are***
13 ***not members of the board, commission, committee, authority, council***
14 ***or governing body of the public agency;***

15 (b) Closed sessions may be held only after a motion is made and carried by a
16 majority vote in open, public session;

17 (c) No final action may be taken at a closed session; and

18 (d) No matters may be discussed at a closed session other than those publicly
19 announced prior to convening the closed session.

20 (2) Public agencies and activities of public agencies identified in paragraphs (a), (c),
21 (d), (e), (f), but only so far as (f) relates to students, (g), (h), (i), (j), (k), (l), and (m)
22 of subsection (1) of KRS 61.810 shall be excluded from the requirements of
23 subsection (1) of this section.

24 ***(3) Closed sessions shall be recorded by video or audio and stored for one hundred***
25 ***eighty (180) days. The recording shall be exempt from the Open Records Act,***
26 ***KRS 61.870 to 61.884.***

27 ➔Section 2. KRS 61.820 is amended to read as follows:

- 1 (1) All meetings of all public agencies of this state, and any committees or
2 subcommittees thereof, shall be held at specified times and places which are
3 convenient to the public. In considering locations for public meetings, the agency
4 shall evaluate space requirements, seating capacity, and acoustics.
- 5 (2) All public agencies shall provide for, and adopt on annual basis, a schedule of
6 regular meetings by ordinance, order, resolution, bylaws, or by whatever other
7 means may be required for the conduct of business of that public agency. The
8 schedule of regular meetings shall be made available to the public.
- 9 (3) At least twenty-four (24) hours but not more than seven (7) days before a regular
10 meeting, a public agency shall publish notice of its regular meeting agenda on its
11 website or social media account and shall transmit the agenda to each media
12 organization. The agenda shall, at minimum, contain general items that the
13 public agency intends to discuss, and items to be discussed for action taken. The
14 public agency may discuss items not on the agenda at the public meeting, but
15 shall not vote on any item not included on the agenda.
- 16 (4) (a) A recess shall not be used for the purpose or with the effect of materially
17 impairing the public's ability to observe, attend, or record the meeting.
- 18 (b) Any item discussed immediately prior to the recess shall not be subject to a
19 vote when the body returns, and shall be tabled to be discussed and voted on
20 at the next regular meeting.
- 21 (c) 1. A public agency shall not recess a meeting for a period exceeding sixty
22 (60) consecutive minutes unless:
- 23 a. The time certain for reconvening is publicly announced prior to
24 the recess; and
- 25 b. The reconvening occurs on the same calendar day.
- 26 2. If a recess exceeds sixty (60) consecutive minutes, and the public
27 agency fails to comply with the requirements of subparagraph 1. of

1 *this paragraph, the meeting shall be deemed adjourned.*

2 *(5) Each regular meeting shall include a public comment period of at least fifteen*
3 *(15) minutes.*

4 ➔Section 3. KRS 61.823 is amended to read as follows:

- 5 (1) Except as provided in subsection (5) of this section, special meetings shall be held
6 in accordance with the provisions of subsections (2), (3), ~~and (4)~~, and (6) of this
7 section.
- 8 (2) The presiding officer or a majority of the members of the public agency may call a
9 special meeting.
- 10 (3) The public agency shall provide written notice of the special meeting. The notice
11 shall consist of the date, time, and place of the special meeting and the agenda.
12 Discussions and action at the meeting shall be limited to items listed on the agenda
13 in the notice.
- 14 (4) (a) As soon as possible, written notice shall be delivered personally, transmitted
15 by facsimile machine, or mailed to every member of the public agency as well
16 as each media organization which has filed a written request, including a
17 mailing address, to receive notice of special meetings. The notice shall be
18 calculated so that it shall be received at least twenty-four (24) hours before the
19 special meeting. The public agency may periodically, but no more often than
20 once in a calendar year, inform media organizations that they will have to
21 submit a new written request or no longer receive written notice of special
22 meetings until a new written request is filed.
- 23 (b) A public agency may satisfy the requirements of paragraph (a) of this
24 subsection by transmitting the written notice by electronic mail to public
25 agency members and media organizations that have filed a written request
26 with the public agency indicating their preference to receive electronic mail
27 notification in lieu of notice by personal delivery, facsimile machine, or mail.

1 The written request shall include the electronic mail address or addresses of
2 the agency member or media organization.

3 (c) As soon as possible, written notice shall also be posted in a conspicuous place
4 in the building where the special meeting will take place and in a conspicuous
5 place in the building which houses the headquarters of the agency. The notice
6 shall be calculated so that it shall be posted at least twenty-four (24) hours
7 before the special meeting.

8 (5) In the case of an emergency which prevents compliance with subsections (3) and
9 (4) of this section, this subsection shall govern a public agency's conduct of a
10 special meeting. The special meeting shall be called pursuant to subsection (2) of
11 this section. The public agency shall make a reasonable effort, under emergency
12 circumstances, to notify the members of the agency, media organizations which
13 have filed a written request pursuant to subsection (4)(a) of this section, and the
14 public of the emergency meeting. At the beginning of the emergency meeting, the
15 person chairing the meeting shall briefly describe for the record the emergency
16 circumstances preventing compliance with subsections (3) and (4) of this section.
17 These comments shall appear in the minutes. Discussions and action at the
18 emergency meeting shall be limited to the emergency for which the meeting is
19 called.

20 **(6) Each special meeting shall include a public comment period of at least fifteen**
21 **(15) minutes.**

22 ➔Section 4. KRS 61.840 is amended to read as follows:

23 **(1)** No condition other than those required for the maintenance of order shall apply to
24 the attendance of any member of the public at any meeting of a public agency.

25 **(2) A person shall not**~~No person may~~ be required to:

26 **(a)** Identify himself **or herself** in order to attend any~~such~~ meeting;

27 **(b) Provide his or her address; or**

1 **(c) Fill out a sign-in sheet or otherwise sign up;**
2 **in order to speak at any meeting.**

3 **(3)** All agencies shall provide meeting room conditions, including adequate space,
4 seating, and acoustics, which insofar as is feasible allow effective public
5 observation of the public meetings. All agencies shall permit news media coverage,
6 including but not limited to recording and broadcasting.

7 ➔Section 5. KRS 61.848 is amended to read as follows:

8 (1) The Circuit Court of the county where the public agency has its principal place of
9 business or where the alleged violation occurred shall have jurisdiction to enforce
10 the provisions of KRS 61.805 to 61.850, as they pertain to that public agency, by
11 injunction or other appropriate order on application of any person.

12 (2) A person alleging a violation of the provisions of KRS 61.805 to 61.850 shall not
13 have to exhaust his remedies under KRS 61.846 before filing suit in a Circuit Court.
14 However, he shall file suit within sixty (60) days from his receipt of the written
15 denial referred to in subsections (1) and (2) of KRS 61.846 or, if the public agency
16 refuses to provide a written denial, within sixty (60) days from the date the written
17 complaint was submitted to the presiding officer of the public agency.

18 (3) In an appeal of an Attorney General's decision, where the appeal is properly filed
19 pursuant to subsection (4)(a) of KRS 61.846, the court shall determine the matter de
20 novo.

21 (4) Except as otherwise provided by law or rule of court, proceedings arising under this
22 section take precedence on the docket over all other causes and shall be assigned for
23 hearing and trial at the earliest practicable date.

24 (5) Any rule, resolution, regulation, ordinance, or other formal action of a public
25 agency without substantial compliance with the requirements of KRS 61.810,
26 61.815, 61.820, and KRS 61.823 shall be voidable by a court of competent
27 jurisdiction.

- 1 (6) **(a)** Any person who prevails against any agency in any action in the courts
2 regarding a violation of KRS 61.805 to 61.850, where the violation is found to
3 be willful, ~~shall~~**may** be awarded costs, including reasonable attorneys' fees,
4 incurred in connection with the legal action.
- 5 **(b)** In addition, ~~the court~~**it** shall ~~be within the discretion of the court to~~ award
6 the person **five hundred dollars (\$500) to be paid by the person or persons**
7 **found by the court to have committed a violation**~~an amount not to exceed~~
8 ~~one hundred dollars (\$100)~~ for each instance in which the court finds a
9 violation.
- 10 **(c)** **Except as provided in paragraph (b) of this section,** attorneys' fees, costs,
11 and awards under this subsection shall be paid by the agency responsible for
12 the violation.