

Local Government Mandate Statement
Kentucky Legislative Research Commission
2024 Regular Session

Part I: Measure Information

Bill Request #: 1070

Bill #: HB 509 GA

Document ID #: 8312

Bill Title: AN ACT relating to access to the records and meetings of public agencies.

Sponsor: Representative John Hodgson

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
 Government

Office(s) Impacted: Local government agencies

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 509 GA deals with open records requests for state agencies and all public agencies which include local governments. This Local Government Mandate Statement addresses only the impact to local governments.

Section 1 proposes the requirement of public agencies to furnish email accounts for officers and employees to conduct government business, and allows for a third-party provider to issue email accounts, if the agency is incapable. The public agency shall maintain a log of agency-designated email accounts that shall be subject to disclosure pursuant to KRS 61.870 to 61.884. Emails and other documents contained within an agency-designated email account shall be deemed to be in the possession of the public agency for the purposes of KRS 61.870 to 61.884.

Section 2 would make voidable any formal action taken by a public agency that does not substantially comply with KRS 61.840, which requires an agency to maintain adequate meeting space and acoustics.

HB 509 GA is expected to have a minimal impact to local government agencies. In the event a third-party provider is needed, additional fees may be expended. The Kentucky League of Cities stated that cities use free email services, but may elect to pay for an email provider.

Additional **indeterminable costs** may be incurred if an agency is not in compliance with KRS 61.840. Modifications to meeting spaces may be necessary and additional meetings at alternative locations may be conducted if a meeting with formal action is voided, duplicating fees associated with conducting formal action meetings.

The Kentucky Association of Counties (KACo) was contacted for input. As of the date of this mandate statement, a reply has not been received. If a reply is received, the statement may be updated accordingly.

Data Source(s): LRC Staff, Kentucky League of Cities

Preparer: Lauren Graves (JB) **Reviewer:** KHC **Date:** 3/13/24