

65.312 Applicability of Open Records Act and Open Meetings Act to governing bodies of public entity and affiliated organizations -- Exceptions -- Financial data to be posted on Web -- Annual audit.

The governing body of a public entity and the governing body of an affiliated organization shall:

- (1) Be subject to the provisions of KRS 61.870 to 61.884, and all records of the public entity and its affiliated organizations shall be deemed open records and subject to public inspection, unless the record:
 - (a) Is excluded from inspection under KRS 61.878;
 - (b) Includes information that would provide an unfair competitive advantage to private sector competitors providing insurance coverage or financing services in the Commonwealth;
 - (c) Is generated by the public entity or an affiliated organization, is generally recognized as confidential or proprietary, and which, if openly disclosed, would permit an unfair commercial advantage to competitors of the public entity or an affiliated organization; or
 - (d) Relates to a fraudulent insurance claim investigation conducted by the public entity or an affiliated organization and does not become evidence in a criminal or civil action. This paragraph shall not be construed to affect the rights of parties in a civil or criminal action to obtain copies of the records pursuant to the rules of discovery applicable to that action;
- (2) Be subject to the provisions of KRS 61.800 to 61.850, with the following exceptions:
 - (a) Meetings may be closed in accordance with KRS 61.810; and
 - (b) Proceedings to discuss insurance rates, proposed rates, or anything that relates to rates if that discussion would jeopardize the competitiveness of the public entity or an affiliated organization may be closed, as well as proceedings which would provide an unfair competitive advantage to private sector competitors of the public entity or an affiliated organization providing insurance coverage or financing services in the Commonwealth;
- (3) By January 15 of each year, establish a schedule of regular meetings consistent with KRS 61.820, and conduct the regular meetings in accordance with the Open Meetings Act, KRS 61.805 to 61.850. A public entity and its affiliated organizations may conduct special or emergency meetings, as set out in KRS 61.823, over telephonic conference call, provided that the public entity or the affiliated organization otherwise adheres to the requirements of KRS 61.805 to 61.850 and provides a designated location or locations where members of the public may attend and hear the audio of each individual participating in the telephonic meeting;
- (4) By January 1, 2011, provide a Web site that will allow citizens Internet access to substantial and substantive financial data about expenditures of the public entity and its affiliated organizations. Information on the Web site shall be updated at least on a monthly basis and shall provide the following information not considered confidential by state or federal law:

- (a) The name of the recipient of the funds of the public entity and its affiliated organizations;
 - (b) The expenditure type by vendor;
 - (c) The amount of the expenditure;
 - (d) A description of the purpose of the expenditure, if available;
 - (e) The payment date of the expenditure;
 - (f) An electronic link to a database displaying the information contained in paragraphs (a) to (e) of this subsection, which information shall remain in the database for at least three (3) years after the payment date of the expenditure;
 - (g) The budget adopted by the governing body and its affiliated organizations; and
 - (h) The complete annual audit results on a continuing basis;
- (5) Beginning August 1, 2010, undergo an annual audit performed by a certified public accountant or the Auditor of Public Accounts. The contract with the certified public accountant shall specify:
- (a) That the certified public accountant shall forward a copy of the audit report and management letters to the Auditor of Public Accounts; and
 - (b) That the Auditor of Public Accounts shall have the right to review the certified public accountant's work papers before and after the release of the audit; and
- (6) Allow the Office of the Auditor of Public Accounts to conduct, at its discretion, an examination of the public entity and its affiliated organizations.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 76, sec. 3, effective July 15, 2010.