

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 14

Committee Substitute Favorable 5/14/91

Senate Rules & Operation of the Senate Committee Substitute Adopted 7/11/91

Short Title: Open Meetings.

(Public)

Sponsors:

Referred to:

February 4, 1991

A BILL TO BE ENTITLED

AN ACT TO REVISE THE OPEN MEETINGS LAW TO ENHANCE OPEN GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-318.10(a) reads as rewritten:

"(a) Except as provided in G.S. 143-318.11, G.S. 143-318.14A, G.S. 143-318.15, and G.S. 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting."

Sec. 2. G.S. 143-318.10 is amended by adding a subsection to read:

"(e) Every public body shall keep full and accurate minutes of all official meetings, excluding any executive sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. Such minutes shall be public records within the meaning of G.S. 132-6."

Sec. 3. G.S. 143-318.11(a)(5) reads as rewritten:

"(5) To consult with an attorney, attorney employed or retained to represent the public body, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. to preserve the attorney-client privilege between the attorney and the public body."

Sec. 4. G.S. 143-318.11(b) is repealed.

Sec. 5. G.S. 143-318.12(b)(1) reads as rewritten:

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1           "~~(1) If a meeting is an adjourned or recessed session of a regular meeting or~~  
2           ~~of some other meeting, notice of which has been given pursuant to this~~  
3           ~~subsection, and public body recesses a regular, special, or emergency~~  
4           ~~meeting held pursuant to public notice given in compliance with this~~  
5           ~~subsection, and the time and place of the adjourned or recessed session~~  
6           ~~has been set during the regular or other meeting, at which the meeting~~  
7           ~~is to be continued is announced in open session, no further notice is~~  
8           ~~necessary, shall be required.~~"

9           Sec. 6. G.S. 143-318.12(c) is repealed.

10          Sec. 7. A new section is added to Article 33C of Chapter 143 of the General  
11 Statutes to read as follows:

12       "**§ 143-318.14A. Legislative commissions, committees, and standing**  
13       **subcommittees.**

14       (a) Except as provided in subsection (c) below, all official meetings of  
15 commissions, committees, and standing subcommittees of the General Assembly  
16 (including, without limitation, joint committees and study committees), shall be held in  
17 open session. For the purpose of this section, the following also shall be considered to  
18 be 'commissions, committees, and standing subcommittees of the General Assembly':

- 19           (1) The Legislative Research Commission;
- 20           (2) The Legislative Services Commission;
- 21           (3) The Advisory Budget Commission;
- 22           (4) The Joint Legislative Utility Review Committee;
- 23           (5) The Joint Legislative Commission on Governmental Operations;
- 24           (6) The Joint Legislative Commission on Municipal Incorporations;
- 25           (7) The Commission on the Family;
- 26           (8) The Joint Select Committee on Low-Level Radioactive Waste;
- 27           (9) The Environmental Review Commission;
- 28           (10) The Joint Legislative Highway Oversight Committee;
- 29           (11) The Joint Legislative Education Oversight Committee;
- 30           (12) The Joint Legislative Commission on Future Strategies for North  
31 Carolina;
- 32           (13) The Commission on Children with Special Needs;
- 33           (14) The Legislative Committee on New Licensing Boards;
- 34           (15) The Commission on Agriculture, Forestry, and Seafood Awareness;
- 35           (16) The North Carolina Study Commission on Aging; and
- 36           (17) The standing Committees on Pensions and Retirement.

37       (b) Reasonable public notice of all meetings of commissions, committees, and  
38 standing subcommittees of the General Assembly shall be given. For purposes of this  
39 subsection, 'reasonable public notice' includes, but is not limited to:

- 40           (1) Notice given openly at a session of the Senate or of the House; or
- 41           (2) Notice posted on the press room door of the State Legislative Building  
42 in Raleigh and delivered to the Legislative Services Office.

43 G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing  
44 subcommittees of the General Assembly.

1 (c) A commission, committee, or standing subcommittee of the General  
2 Assembly may take final action only in an open meeting.

3 (d) A violation of this section by members of the General Assembly shall be  
4 punishable as prescribed by the rules of the House or the Senate.

5 (e) The following sections shall apply to meetings of commissions, committees,  
6 and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S.  
7 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through G.S. 143-  
8 318.17."

9 Sec. 8. G.S. 143-318.16A is amended by adding a subsection to read:

10 "(e) The validity of any enacted law or joint resolution or passed simple resolution  
11 of either house of the General Assembly is not affected by this Article."

12 Sec. 9. G.S. 143-318.18 reads as rewritten:

13 **"§ 143-318.18. Exceptions.**

14 This Article does not apply to:

- 15 (1) Grand and petit juries.
- 16 (2) Any public body that is specifically authorized or directed by law to  
17 meet in executive or confidential session, to the extent of the  
18 authorization or direction.
- 19 (3) The Judicial Standards Commission.
- 20 (4) ~~The Legislative Services Commission.~~
  - 21 (4a) The Legislative Ethics Committee.
  - 22 (4b) A conference committee of the General Assembly.
  - 23 (4c) A caucus by members of the General Assembly; however, no member  
24 of the General Assembly shall participate in a caucus which is called  
25 for the purpose of evading or subverting this Article.
- 26 (5) Law enforcement agencies.
- 27 (6) A public body authorized to investigate, examine, or determine the  
28 character and other qualifications of applicants for professional or  
29 occupational licenses or certificates or to take disciplinary actions  
30 against persons holding such licenses or certificates, (i) while  
31 preparing, approving, administering, or grading examinations or (ii)  
32 while meeting with respect to an individual applicant for or holder of  
33 such a license or certificate. This exception does not amend, repeal, or  
34 ~~supereede~~ ~~supersede~~ any other statute that requires a public hearing or  
35 other practice and procedure in a proceeding before such a public  
36 body.
- 37 (7) Any public body subject to the Executive Budget Act (G.S. 143-1 **et**  
38 **seq.**) and exercising quasi-judicial functions, during a meeting or  
39 session held solely for the purpose of making a decision in an  
40 adjudicatory action or proceeding.
- 41 (8) The boards of trustees of endowment funds authorized by G.S. 116-36  
42 or G.S. 116-238.
- 43 (9) ~~The Council of State.~~
- 44 (10) The Board of Awards.

- 1           (11) The General Court of Justice."
- 2           Sec. 10. This act becomes effective September 1, 1991.