

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 898\*

Short Title: Public Records/Meetings Law Amendments.

(Public)

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Sponsors: Representative Daughtry.

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Referred to: Rules, Calendar and Operations of the House.

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April 8, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PUBLIC RECORDS LAW AND THE OPEN MEETINGS  
LAW TO CLARIFY PROVISIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 132-6 is amended by adding a new subsection to read:

"(g) With respect to the request by any person to inspect, examine or obtain copies of correspondence received or transmitted (by the United States Postal Service, by commercial postal delivery, by electronic means, by hand delivery, or by any other mode of delivery or communication) by the custodian in the custodian's official capacity and which is in the custody of the custodian as of the date of the request, the custodian is required to permit such inspection or examination, consistent with the provisions of subsection (a) of this section, only of specific items of correspondence which constitute public records and which are identified in the request by the approximate date of receipt or transmission, by the names of the correspondents, and by the general subject matter."

Section 2. Chapter 132 of the General Statutes is amended by adding two new sections to read:

**"§ 132-1.5. Preliminary draft not public record.**

Public records, as defined by G.S. 132-1, do not include preliminary drafts of documents before they are received by the officer, employee, or governmental agency authorized to take final action concerning the subject matter of the draft document.

1 **"§ 132-1.6. Attorney work product not public record.**

2 Public records, as defined by G.S. 132-1, do not include material which represents or  
3 consists of the work product of an attorney employed by or otherwise representing a  
4 governmental agency or an officer, employee, or agent of a governmental agency.

5 **"§ 132-1.7. Certain donor records not public record.**

6 Public records, as defined by G.S. 132-1, do not include information regarding past,  
7 present, or prospective individual donors of charitable gifts to a governmental agency;  
8 provided documents or portions of documents that reveal only the name of an individual  
9 or institutional donor and the type and amount of the donor's gift are public records,  
10 unless the donor requires anonymity as a condition of the donation. In the case of such  
11 anonymity, only the identity of the donor is not a public record.

12 **"§ 132-1.8. Certain alumni records not public record.**

13 Public records, as defined by G.S. 132-1, do not include records regarding alumni of  
14 public institutions of higher education; provided that documents or portions of documents  
15 containing only the names, dates of attendance, and degrees received by alumni are  
16 public records."

17 Section 3. G.S. 143-318.10 reads as rewritten:

18 **"§ 143-318.10. All official meetings of public bodies open to the public.**

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

22 (b) As used in this Article, 'public body' means any elected or appointed authority,  
23 board, commission, committee, council, or other body of the State, or of one or more  
24 counties, cities, school administrative units, ~~constituent institutions or~~ of The University of  
25 North Carolina, ~~Carolina and its constituent institutions, or of other political subdivisions~~  
26 or public corporations in the State that (i) is composed of two or more members and (ii)  
27 exercises or is authorized to exercise a legislative, policy-making, quasi-judicial,  
28 administrative, or advisory function. In addition, 'public body' means the governing  
29 board of a 'public hospital' as defined in G.S. 159-39 and the governing board of any  
30 nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to  
31 G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation  
32 owning the corporation to which the hospital facility has been sold or conveyed.

33 (c) 'Public body' does not include (1) ~~a meeting solely among~~ body composed solely  
34 of the professional staff of a public body, the State, or one or more counties, cities, or  
35 school administrative units, or The University of North Carolina and its constituent  
36 institutions, or other political subdivisions or public corporations of the State, or (2) the  
37 medical staff of a public hospital or the medical staff of a hospital that has been sold or  
38 conveyed pursuant to ~~G.S. 131E-8.~~ G.S. 131E-8, or (3) an administrative, faculty, or  
39 student government agency of a constituent institution of The University of North  
40 Carolina that exercises authority delegated to it by a chancellor concerning matters of  
41 student discipline.

42 (c1) 'Professional staff' includes employees and agents of The University of North  
43 Carolina and its constituent institutions and students when serving as officers or

1 designated representatives of student governments of the constituent institutions of The  
2 University of North Carolina.

3 (d) 'Official meeting' means a meeting, assembly, or gathering together at any  
4 time or place or the simultaneous communication by conference telephone or other  
5 electronic means of a majority of the members of a public body for the purpose of  
6 conducting hearings, participating in deliberations, or voting upon or otherwise  
7 transacting the public business within the jurisdiction, real or apparent, of the public  
8 body. However, a social meeting or other informal assembly or gathering together of the  
9 members of a public body does not constitute an official meeting unless called or held to  
10 evade the spirit and purposes of this Article.

11 (e) Every public body shall keep full and accurate minutes of all official meetings,  
12 including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in  
13 written form or, at the option of the public body, may be in the form of sound or video  
14 and sound recordings. Such minutes shall be public records within the meaning of the  
15 Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes of a closed  
16 session conducted in compliance with G.S. 143-318.11 may be withheld from public  
17 inspection so long as public inspection would frustrate the purpose of a closed session."

18 Section 4. G.S. 143-318.12 is amended by adding a new subsection to read:

19 "(c) If a public body intends to hold a closed session, as permitted by G.S. 143-  
20 318.11(6) to meet with, interview, and assess the qualifications of a candidate or  
21 candidates for public employment, and if public notice of such a meeting would frustrate  
22 the purpose of the closed session by enabling persons other than members of the public  
23 body to ascertain the identity of a candidate or candidates, the public body need not give  
24 public notice of the time and place of the meeting that would otherwise be required by  
25 this section."

26 Section 5. This act is effective when it becomes law.