

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE DRH80214-RR-45 (04/02)

Short Title: Record Closed Sessions.

(Public)

Sponsors: Representative Grady.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE PUBLIC'S RIGHT TO KNOW DETAILS OF
CLOSED MEETINGS AFTER THE JUSTIFICATION FOR WITHHOLDING
DETAILS HAS PASSED BY ADDING TO THE OPEN MEETINGS LAW A
REQUIREMENT TO MAKE AND KEEP RECORDINGS OF ALL CLOSED
MEETINGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-318.10(e) reads as rewritten:

"(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. ~~Such~~ In an open meeting, those 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~~ video-and-sound recordings. When a public body meets in closed session, it shall keep a general written account of the closed session so that a person not in attendance would have a reasonable understanding of what ~~transpired~~ transpired and also make and keep a sound or video-and-sound recording of the closed session. ~~Such accounts may be a written narrative, or video or audio recordings~~ The public body shall designate a person or persons to be responsible for making and maintaining the sound or video-and-sound recording of the closed session and for certifying that the entire closed session, including all discussion taking place therein, was duly recorded as required by this subsection. Such minutes and accounts All those written minutes and sound or video-and-sound recordings shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that written minutes or an account and sound or video-and-sound recordings of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. After the sound or video-and-sound recording is disclosed to the public, the public body shall maintain that recording for at least two years."

1 **SECTION 2.** G.S. 143-318.11(c) reads as rewritten:

2 "(c) Calling a Closed Session. – A public body may hold a closed session only
3 upon a motion duly made and adopted at an open meeting. Every motion to close a
4 meeting shall cite one or more of the permissible purposes listed in subsection (a) of this
5 section. A motion based on subdivision (a)(1) of this section shall also state the name or
6 citation of the law that renders the information to be discussed privileged or
7 confidential. A motion based on subdivision (a)(3) of this section shall identify the
8 parties in each existing lawsuit concerning which the public body expects to receive
9 advice during the closed session. The motion to hold a closed session shall designate a
10 person or persons to make and maintain the written minutes and the sound or
11 video-and-sound recording of the closed session."

12 **SECTION 3.** This act becomes effective October 1, 2001.