

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1102

Short Title: Record Closed Sessions.

(Public)

Sponsors: Representatives Grady; and Moore.

Referred to: Judiciary II.

April 10, 2003

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT THE PUBLIC'S RIGHT TO KNOW DETAILS OF
2 CLOSED MEETINGS AFTER THE JUSTIFICATION FOR WITHHOLDING
3 DETAILS HAS PASSED BY ADDING TO THE OPEN MEETINGS LAW A
4 REQUIREMENT TO MAKE AND KEEP RECORDINGS OF ALL CLOSED
5 MEETINGS.
6

7 The General Assembly of North Carolina enacts:

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

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

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

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

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