

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 514
Committee Substitute Favorable 4/23/01

Short Title: Record Closed Sessions.

(Public)

Sponsors:

Referred to:

March 7, 2001

A BILL TO BE ENTITLED

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

6 The General Assembly of North Carolina enacts:

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

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

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

26 "(c) Calling a Closed Session. – A public body may hold a closed session only
27 upon a motion duly made and adopted at an open meeting. Every motion to close a
28 meeting shall cite one or more of the permissible purposes listed in subsection (a) of this
29 section. A motion based on subdivision (a)(1) of this section shall also state the name or

1 citation of the law that renders the information to be discussed privileged or
2 confidential. A motion based on subdivision (a)(3) of this section shall identify the
3 parties in each existing lawsuit concerning which the public body expects to receive
4 advice during the closed session. The motion to hold a closed session shall designate a
5 person or persons to make and maintain the minutes and the recording of the closed
6 session."

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