

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1102
Committee Substitute Favorable 4/23/03

Short Title: Record Closed Sessions.

(Public)

Sponsors:

Referred to:

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, the 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~~ the minutes shall be in the form of a
14 general written account of the closed session so that a person not in attendance would
15 have a reasonable understanding of what transpired. In addition to keeping a general
16 written account, a public body that meets in closed session shall also make and maintain
17 a sound or video-and-sound recording of the closed session. ~~Such accounts may be a~~
18 written narrative, or video or audio recordings. The public body shall designate a person
19 or persons to be responsible for making and maintaining the written account and sound
20 or video-and-sound recording of the closed session and for certifying that the entire
21 closed session, including all discussion taking place therein, was duly recorded as
22 required by this subsection. ~~Such minutes and accounts~~ Minutes and sound or
23 video-and-sound recordings made pursuant to this subsection shall be public records
24 within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however,
25 that ~~minutes or an account~~ the written account and sound or video-and-sound recording
26 of a closed session conducted in compliance with G.S. 143-318.11 may be withheld
27 from public inspection so long as public inspection would frustrate the purpose of a
28 closed session. After the sound or video-and-sound recording of a closed session is

1 disclosed to the public, the public body shall maintain the recording for at least two
2 years."

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

4 "(c) Calling a Closed Session. – A public body may hold a closed session only
5 upon a motion duly made and adopted at an open meeting. Every motion to close a
6 meeting shall cite one or more of the permissible purposes listed in subsection (a) of this
7 section. A motion based on subdivision (a)(1) of this section shall also state the name or
8 citation of the law that renders the information to be discussed privileged or
9 confidential. A motion based on subdivision (a)(3) of this section shall identify the
10 parties in each existing lawsuit concerning which the public body expects to receive
11 advice during the closed session. The motion to hold a closed session shall designate a
12 person or persons to make and maintain the written account and sound or
13 video-and-sound recording of the closed session and to certify that the entire closed
14 session, including all discussion taking place therein, was duly recorded as required by
15 G.S. 143-318.10(e)."

16 **SECTION 3.** This act becomes effective October 1, 2003.