NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 638
HOUSE BILL 51

AN ACT TO REQUIRE THAT MEETINGS OF GOVERNMENTAL AGENCIES BE OPEN TO THE PUBLIC.

The General Assembly of North Carolina do enact:

Section 1. There is hereby added to Chapter 143 of the General Statutes a new article to be designated "Article 33B." which shall read as follows:

"Article 33B.

"Meetings of Governmental Bodies.

"**§ 143-318.1. Public Policy. —** Whereas the commissions, committees, boards, councils and other governing and governmental bodies which administer the legislative and executive functions of this State and its political subdivisions exist solely to conduct the peoples' business, it is the public policy of this State that the hearings, deliberations and actions of said bodies be conducted openly.

"**§ 143-318.2. All official meetings open to the public. —** All official meetings of the governing and governmental bodies of this State and its political subdivisions, including all State, County, City and Municipal Commissions, Committees, Boards, Authorities, and Councils and any subdivision, subcommittee, or other subsidiary or component part thereof which have or claim authority to conduct hearings, deliberate or act as bodies politic and in the public interest shall be open to the Public.

And every meeting, assembly, or gathering together at any time or place of a majority of the members of such governing or governmental body for the purpose of conducting hearings, participating in deliberations or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of said body shall constitute an official meeting, but any social meeting or other informal assembly or gathering together of the members of any such body shall not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

"**§ 143-318.3. Procedures. —** (a) Any of the bodies specified in G.S. 143-318.1, by the votes of a majority of its members present, may, during any regular or special meeting when a quorum is present, hold an executive session and exclude the public while considering:

(1) Acquisition, lease, or alienation of property;

(2) Negotiations between public employers and their employees or representatives thereof as to employment;

(3) Matters dealing with patients, employees or members of the medical staff of a hospital or medical clinic (including but not limited to all aspects of admission, treatment, and discharge, all medical records, reports and summaries, and all charges, accounts and credit information pertaining to said patients: all negotiations, contracts, conditions, assignments, regulations and disciplines relating to employees; and all aspects of hospital management, operation and discipline relating to members of the medical staff);

(4) Any matter coming within the physician-patient, lawyer-client or any other privileged relationship;

(5) Conferences with legal counsel and other deliberations concerning the prosecution, defense, settlement or litigation of any judicial action or proceeding in which the governing or governmental body is a party or by which it is directly affected.

(b) This Article shall not be construed to prevent any governing or governmental body specified in G.S. 143-318.1 from holding closed sessions to consider information regarding the appointment, employment, discipline, termination or dismissal of an employee or officer under the jurisdiction of such body and to hear and consider testimony on a complaint against such employee or officer; provided, however, that final action on the discharge of any employee for cause after hearing shall be taken in open session if such discharge is within the exclusive jurisdiction of said governing body. Nor shall this Article be construed to prevent any board of education or governing body of any public educational institution, or any committee or officer thereof, from hearing, considering and deciding disciplinary cases involving students in closed session.

(c) When any County Board of Commissioners or the governing body of any municipal corporation or Board of Education is faced with the existence of a riot or with conditions indicating that a riot or public disorders are imminent, within the territorial jurisdiction of such board or governing body, the Board of Commissioners of such County or the governing body of such municipal corporation or Board of Education, as the case may be, may meet in private session with such law enforcement officers and others invited to any such meeting, excluding other members of the public, for the purpose of considering and taking appropriate action deemed necessary to cope with the existing situation during any such emergency.

"**§ 143-318.4. Exceptions. —** The agencies or groups following are excluded from the provisions of G.S. 143-318.2:

1. The Council of State
2. The Board of Awards
3. The N. C. State Board of Paroles
4. The State Probation Commission
5. All Law Enforcement Agencies
6. Grand and Petit Juries
7. All study, research and investigative commissions and committees including the Legislative Services Commission.
8. All State agencies, commissions or boards exercising quasi-judicial functions during any meeting or session held solely for the purpose of making a decision in an adjudicatory action or proceeding
9. Every board enumerated in G.S. 150-9 and every board, commission, council or other body, or any committee thereof, authorized by statute to investigate, examine and determine the character and other qualifications of applicants for license to practice any profession in this State, or authorized to suspend or revoke licenses of, or to reprimand or take disciplinary action concerning any person licensed to engage in the practice of any profession in this State; provided, however, that nothing in this Article shall be construed to amend, repeal or supersede any statute, now existing or hereafter enacted, which requires a public hearing or other practice and procedure in any proceeding before any such board, commission or other body, or any committee thereof.
10. Any committee or subcommittee of the General Assembly has the inherent right to hold an executive session when it determines that it is absolutely necessary to have such a session in order to prevent personal embarrassment or when it is in the best interest of the State; and in no event shall any final action be taken by any committee or subcommittee except in open session.

"**§ 143-318.5. Advisory Budget Commission and appropriation committees of General Assembly, application of Article. —** (a) The provisions of this Article shall not apply to meetings of the Advisory Budget Commission held for the purpose of actually preparing the budget required by the provisions of the Executive Budget Act(Article 1, Chapter 143, General Statutes of North Carolina), but nothing in this Article shall be construed to amend, repeal or supersede the provisions of G.S. 143-10(or any similar statute hereafter enacted) requiring public hearings to secure information on any and all estimates to be included in the budget and providing for other procedures and practices incident to the preparation and adoption of the budget required by the State Budget Act.

(b) Nothing in this Article shall be construed to amend, repeal or supersede the provisions of G.S. 143-14, relating to the meetings of the appropriations committees of the House of Representatives and the Senate of the General Assembly of North Carolina, and subcommittees thereof.

"**§ 143-318.6. Mandamus and injunctive relief. —** Any citizen denied access to a meeting required to be open by the provisions of this Article, in addition to other remedies, shall have a right to compel compliance with the provisions of this Article by application to a court of competent jurisdiction for restraining order, injunction or other appropriate relief.

"**§ 143-318.7. Disruptions. —** Any person who wilfully interrupts, disturbs, or disrupts any official meeting required to be open to the public by this Article and who, upon being directed to leave such meeting by the presiding officer thereof, wilfully refuses to leave such meeting shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not in excess of six months, pay a fine of two hundred fifty dollars ($250.00), or by both such fine and imprisonment."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this act, including (without limitation) all laws and clauses of laws without State-wide application, are hereby repealed.

Sec. 3. This act shall become effective July 1, 1971.

In the General Assembly read three times and ratified, this the 21st day of June, 1971.