

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 14

Short Title: General Assembly Open Meetings.

(Public)

Sponsors: Representatives Pope; Brown, Decker, Dickson, Esposito, Flaherty, Gardner, Grady, Gray, Holmes, Howard, Justus, Kimsey, Morgan, Rhodes, and Wilson.

Referred to: Rules.

February 4, 1991

A BILL TO BE ENTITLED

AN ACT TO END THE EXEMPTION OF THE GENERAL ASSEMBLY FROM THE
OPEN MEETINGS LAW.

The General Assembly of North Carolina enacts:

Section 1. . G.S. 143-318.11(b) reads as rewritten:

"(b) General Assembly Committees and Subcommittees. ~~—Except as provided in G.S. 143-318.17, a 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.—~~Notwithstanding the provisions of G.S. 143-318.11(a), all meetings of all duly appointed commissions, committees and subcommittees of the General Assembly (including, without limitation, joint committees, joint subcommittees, House-Senate conference committees, and study committees), shall be held in open session pursuant to reasonable public notice. Notice given openly at a session of the Senate or of the House is deemed to be reasonable public notice. A commission, committee or subcommittee of the General Assembly may meet in executive session only if it first makes and records in its minutes specific written findings that an executive session is necessary to prevent the public disclosure of information which concerns:

(1) A person by or about whom the information is being presented to the committee or subcommittee, and is confidential pursuant to State or federal statute, or pursuant to the attorney-client privilege, the

1 physician-patient privilege, or some other privilege cognizable under
2 North Carolina law;

3 (2) Pending or threatened litigation against the State or an officer of the
4 State in that officer's official capacity; or

5 (3) The selection of a site or the acquisition by any means of an interest in
6 real property by the State.

7 A commission, committee or subcommittee may take final action only in an open
8 meeting. For the purposes of this subsection, a meeting of the House appointees to a
9 House-Senate conference committee shall not constitute a meeting of a committee or
10 subcommittee if no Senate appointee to the conference committee is present, and may
11 be held in executive session. For the purposes of this subsection, a meeting of the
12 Senate appointees to a House-Senate conference committee shall not constitute a
13 meeting of a committee or subcommittee if no House appointee to the conference
14 committee is present, and may be held in executive session."

15 Sec. 2. G.S. 143-318.11 is amended by adding the following new subsections
16 to read:

17 "(e) Coverage of specific legislative entities as public bodies. For the purpose of
18 this Article, the following bodies shall not be considered to be 'commissions,
19 committees, or subcommittees of the General Assembly', but shall be considered to be
20 'public bodies' as defined in G.S. 143-318.10:

21 (1) The Legislative Research Commission;

22 (2) The Legislative Services Commission; and

23 (3) The Advisory Budget Commission.

24 (f) Coverage of specific legislative entities as instrumentalities of the General
25 Assembly. For the purpose of this Article, the following shall be considered to be
26 'commissions, committees, or subcommittees of the General Assembly':

27 (1) The Joint Legislative Utility Review Committee;

28 (2) The Joint Legislative Commission on Governmental Operations;

29 (3) The Joint Legislative Commission on Municipal Incorporations;

30 (4) The Commission on the Family;

31 (5) The Joint Select Committee on Low-Level Radioactive Waste;

32 (6) The Environmental Review Commission;

33 (7) The Joint Legislative Highway Oversight Committee;

34 (8) The Joint Legislative Education Oversight Committee;

35 (9) The Joint Legislative Commission on Future Strategies for North
36 Carolina;

37 (10) The Commission on Children with Special Needs;

38 (11) The Legislative Committee on New Licensing Boards;

39 (12) The Commission on Agriculture, Forestry, and Seafood Awareness;

40 (13) The North Carolina Study Commission on Aging;

41 (14) The standing Committees on Pensions and Retirement; and

42 (15) The Legislative Ethics Committee; provided, however, that
43 proceedings of the Legislative Ethics Committee conducted pursuant

1 to G.S. 120-103 shall be open or closed at the option of the individual
2 whose conduct is under inquiry, as prescribed therein.

3 (g) Caucuses. A caucus by members of the General Assembly shall not
4 constitute a meeting of either house or of a committee or subcommittee and may be held
5 in private; however, no member of the General Assembly shall participate in a caucus
6 which is called for the purpose of evading or subverting the provisions of this Article.
7 Violations of this Article by members of the General Assembly shall be punishable as
8 prescribed by the rules of the House or the Senate."

9 Sec. 3. G.S. 143-318.15 is repealed.

10 Sec. 4. G.S. 143-318.18 reads as rewritten:

11 **"§ 143-318.18. Exceptions.**

12 This Article does not apply to:

- 13 (1) Grand and petit juries.
- 14 (2) Any public body that is specifically authorized or directed by law to
15 meet in executive or confidential session, to the extent of the
16 authorization or direction.
- 17 (3) The Judicial Standards Commission.
- 18 (4) ~~The Legislative Services Commission.~~
- 19 (5) Law enforcement agencies.
- 20 (6) A public body authorized to investigate, examine, or determine the
21 character and other qualifications of applicants for professional or
22 occupational licenses or certificates or to take disciplinary actions
23 against persons holding such licenses or certificates, (i) while
24 preparing, approving, administering, or grading examinations or (ii)
25 while meeting with respect to an individual applicant for or holder of
26 such a license or certificate. This exception does not amend, repeal, or
27 ~~supercede~~ supersede any other statute that requires a public hearing or
28 other practice and procedure in a proceeding before such a public
29 body.
- 30 (7) Any public body subject to the Executive Budget Act (G.S. 143-1 **et**
31 **seq.**) and exercising quasi-judicial functions, during a meeting or
32 session held solely for the purpose of making a decision in an
33 adjudicatory action or proceeding.
- 34 (8) The boards of trustees of endowment funds authorized by G.S. 116-36
35 or G.S. 116-238.
- 36 (9) The Council of State.
- 37 (10) The Board of Awards.
- 38 (11) The General Court of Justice."

39 Sec. 5. G.S. 143-318.16A is amended by adding a subsection to read:

40 "(e) This section does not apply to bills and resolutions of a legislative nature
41 which become laws."

42 Sec. 6. This act becomes effective September 1, 1991.