

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 785

Short Title: Open Meetings/General Assembly.

(Public)

Sponsors: Representatives Pate; Baker, Barbee, Capps, Clary, Cummings, Daughtry, Davis, Decker, Hayes, Hurley, Linney, McMahan, G. Miller, K. Miller, Nichols, Rayfield, Russell, Sexton, Sharpe, Sherrill, Snowden, Tallent, Warner, Watson, Weatherly, and G. Wilson.

Referred to: Rules, Calendar, and Operations of the House.

April 10, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE OPEN MEETINGS LAW APPLIES TO ALL
2 PROCEDURES OF THE GENERAL ASSEMBLY INCLUDING THE BUDGET
3 PROCESS.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143-318.15 reads as rewritten:

7 "**§ 143-318.15. Advisory Budget Commission and appropriation committees of**
8 **General Assembly; application of Article.**

9 (a) The provisions of this Article shall ~~not~~ apply to meetings of the Advisory
10 Budget Commission held for the purpose of actually preparing the budget required by the
11 provisions of the Executive Budget Act (Article 1, Chapter 143, General Statutes of
12 North Carolina), Commission, but nothing in this Article shall be construed to amend,
13 repeal or supersede the provisions of G.S. 143-10 (or any similar statutes hereafter
14 enacted) requiring public hearings to secure information on any and all estimates to be
15 included in the budget and providing for other procedures and practices incident to the
16 preparation and adoption of the budget required by the State Budget Act.

1 (b) This Article does not amend, repeal or supersede the provisions of G.S. 143-14,
2 relating to the allow meetings of the appropriations committees and subcommittees of the
3 General Assembly. Assembly to be held in closed session if G.S. 143-14 requires them to
4 be open."

5 Sec. 2. G.S. 143-318.14A reads as rewritten:

6 **"§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

7 (a) Except as provided in subsection (e) below, all official meetings of
8 commissions, committees, and standing subcommittees of the General Assembly
9 (including, without limitation, joint committees and study committees), shall be held in
10 open session. For the purpose of this section, the following also shall be considered to be
11 'commissions, committees, and standing subcommittees of the General Assembly':

- 12 (1) The Legislative Research Commission;
- 13 (2) The Legislative Services Commission;
- 14 (3) The Advisory Budget Commission;
- 15 (4) The Joint Legislative Utility Review Committee;
- 16 (5) The Joint Legislative Commission on Governmental Operations;
- 17 (6) The Joint Legislative Commission on Municipal Incorporations;
- 18 (7) The Commission on the Family;
- 19 (8) The Joint Select Committee on Low-Level Radioactive Waste;
- 20 (9) The Environmental Review Commission;
- 21 (10) The Joint Legislative Transportation Oversight Committee;
- 22 (11) The Joint Legislative Education Oversight Committee;
- 23 (12) The Joint Legislative Commission on Future Strategies for North
24 Carolina;
- 25 (13) The Commission on Children with Special Needs;
- 26 (14) The Legislative Committee on New Licensing Boards;
- 27 (15) The Agriculture and Forestry Awareness Study Commission;
- 28 (16) The North Carolina Study Commission on Aging; and
- 29 (17) The standing Committees on Pensions and Retirement.

30 (b) Reasonable public notice of all meetings of commissions, committees, and
31 standing subcommittees of the General Assembly shall be given. For purposes of this
32 subsection, 'reasonable public notice' ~~includes, but is not limited to:~~ means:

- 33 (1) Notice given openly at a session of the Senate or of the House; or
- 34 (2) Notice posted on the press room door of the State Legislative Building
35 in Raleigh and delivered to the Legislative Services Office.

36 G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing
37 subcommittees of the General Assembly.

38 (c) A commission, committee, or standing subcommittee of the General Assembly
39 may take final action only in an open meeting.

40 (d) A violation of this section by members of the General Assembly shall be
41 punishable as prescribed by the rules of the House or the Senate.

42 (e) The following sections shall apply to meetings of commissions, committees,
43 and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-

1 318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through ~~G.S. 143-318.17-~~
2 G.S. 143-318.18."

3 Sec. 3. G.S. 143-318.18 reads as rewritten:

4 **"§ 143-318.18. Exceptions.**

5 This Article does not apply to:

6 (1) Grand and petit juries.

7 (2) Any public body that is specifically authorized or directed by law to
8 meet in executive or confidential session, to the extent of the
9 authorization or direction.

10 (3) The Judicial Standards Commission.

11 (4) Repealed by Session Laws 1991, c. 694, s. 9.

12 ~~(4a) The Legislative Ethics Committee.~~

13 ~~(4b) A conference committee of the General Assembly.~~

14 (4c) A caucus by members of the General Assembly; however, no member
15 of the General Assembly shall participate in a caucus which is called for
16 the purpose of evading or subverting this Article.

17 (5) Law enforcement agencies.

18 (6) A public body authorized to investigate, examine, or determine the
19 character and other qualifications of applicants for professional or
20 occupational licenses or certificates or to take disciplinary actions
21 against persons holding such licenses or certificates, (i) while preparing,
22 approving, administering, or grading examinations or (ii) while meeting
23 with respect to an individual applicant for or holder of such a license or
24 certificate. This exception does not amend, repeal, or supersede any
25 other statute that requires a public hearing or other practice and
26 procedure in a proceeding before such a public body.

27 (7) Any public body subject to the Executive Budget Act (G.S. 143-1 et
28 seq.) and exercising quasi-judicial functions, during a meeting or
29 session held solely for the purpose of making a decision in an
30 adjudicatory action or proceeding.

31 (8) The boards of trustees of endowment funds authorized by G.S. 116-36
32 or G.S. 116-238.

33 (9) Repealed by Session Laws 1991, c. 694, s. 9.

34 (10) The Board of Awards.

35 (11) The General Court of Justice."

36 Sec. 4. This act is effective upon ratification.