

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 445

Short Title: Closed Session Reminder. (Public)

Sponsors: Representatives Winslow, Watford, Moss, and Cairns (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 23, 2023

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PRESIDING CHAIR OF ALL OPEN MEETINGS TO REMIND THE PUBLIC BODY OF THE LIMITED NATURE OF DISCUSSION DURING A CLOSED SESSION AND TO REQUIRE THE PRESIDING CHAIR TO CERTIFY TO THE PUBLIC THAT ALL DISCUSSION DURING A CLOSED SESSION WAS RELATED TO THE REASON FOR THE CLOSED SESSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-318.11 reads as rewritten:

"§ 143-318.11. **Closed sessions.**

...

(c) **Calling a Closed Session.** – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session. Upon adoption of the motion to enter into closed session and while in the open session of the open meeting, the presiding chair shall inform the public body that all discussion during the closed session shall be limited to the permissible purpose or purposes cited in the motion duly made and adopted.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2.

(e) **Return to Open Session.** – Upon returning to open session, the presiding chair shall certify during open session that all discussion during the closed session was limited to the permissible purpose or purposes cited in the motion duly made and adopted. Such certification shall be reduced to writing and signed by the presiding chair for inclusion in the open session minutes. The certification shall not reveal any details of the closed session."

SECTION 2. G.S. 143-318.10(e) reads as rewritten:

"(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and ~~accounts~~—accounts, and the certification of the presiding chair required by



1 G.S. 143-318.11(e), shall be public records within the meaning of Chapter 132 of the General
2 Statutes, the Public Records ~~Law, G.S. 132-1 et seq.~~; ~~provided, however, Law, except that~~
3 minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may
4 be withheld from public inspection so long as public inspection would frustrate the purpose of a
5 closed session."

6 **SECTION 3.** This act becomes effective October 1, 2023, and applies to open
7 meetings held on or after that date.