

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 81
Committee Substitute Favorable 3/3/09
Committee Substitute #2 Favorable 4/29/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H81-PCS70463-ST-65

Short Title: Notice of Special/Emergency Meetings.

(Public)

Sponsors:

Referred to:

February 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NOTICE OF SPECIAL AND EMERGENCY MEETINGS
3 UNDER THE OPEN MEETINGS ACT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143-318.12 reads as rewritten:

6 "§ 143-318.12. Public notice of official meetings.

7 (a) If a public body has established, by ordinance, resolution, or otherwise, a schedule
8 of regular meetings, it shall cause a current copy of that schedule, showing the time and place
9 of regular meetings, to be kept on file as follows:

- 10 (1) For public bodies that are part of State government, with the Secretary of
11 State;
- 12 (2) For the governing board and each other public body that is part of a county
13 government, with the clerk to the board of county commissioners;
- 14 (3) For the governing board and each other public body that is part of a city
15 government, with the city clerk;
- 16 (4) For each other public body, with its clerk or secretary, or, if the public body
17 does not have a clerk or secretary, with the clerk to the board of county
18 commissioners in the county in which the public body normally holds its
19 meetings.

20 If a public body changes its schedule of regular meetings, it shall cause the revised schedule to
21 be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar
22 days before the day of the first meeting held pursuant to the revised schedule.

23 (b) If a public body holds an official meeting at any time or place other than a time or
24 place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public
25 notice of the time and place of that meeting as provided in this subsection.

- 26 (1) If a public body recesses a regular, special, or emergency meeting held
27 pursuant to public notice given in compliance with this subsection, and the
28 time and place at which the meeting is to be continued is announced in open
29 session, no further notice shall be required.
- 30 (2) For any other meeting, except an emergency meeting, the public body shall
31 cause written notice of the meeting stating its purpose (i) to be posted on the
32 principal bulletin board of the public body or, if the public body has no such



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1 bulletin board, at the door of its usual meeting room, and (ii) to be ~~mailed~~
2 mailed, e-mailed, or delivered to each newspaper, wire service, radio station,
3 and television station, ~~which~~ that has filed a written request for notice with
4 the clerk or secretary of the public body or with some other person
5 designated by the public body. The public body shall also cause notice to be
6 ~~mailed~~ mailed, e-mailed, or delivered to any person, in addition to the
7 representatives of the media listed above, who has filed a written request
8 with the clerk, secretary, or other person designated by the public body. This
9 notice shall be posted and ~~mailed~~ mailed, e-mailed, or delivered at least 48
10 hours before the time of the meeting. The notice required to be posted on the
11 principal bulletin board or at the door of its usual meeting room shall be
12 posted on the door of the building or on the building in an area accessible to
13 the public if the building containing the principal bulletin board or usual
14 meeting room is closed to the public continuously for 48 hours before the
15 time of the meeting. The public body may require each newspaper, wire
16 service, radio station, and television station submitting a written request for
17 notice to renew the request annually. The public body shall charge a fee to
18 persons other than the media, who request notice, of ten dollars (\$10.00) per
19 calendar year, and may require them to renew their requests quarterly. No
20 fee shall be charged for notices sent by e-mail.

21 (3) For an emergency meeting, the public body shall cause notice of the meeting
22 to be given to each local newspaper, local wire service, local radio station,
23 and local television station that has filed a written request, which includes
24 the newspaper's, wire service's, or station's telephone number, for emergency
25 notice with the clerk or secretary of the public body or with some other
26 person designated by the public body. This notice shall be given either by
27 e-mail, by ~~telephone~~ telephone, or by the same method used to notify the
28 members of the public body and shall be given immediately after notice has
29 been given to those members. This notice shall be given at the expense of
30 the party notified. ~~An "emergency meeting" is one called because of~~
31 ~~generally unexpected circumstances that require immediate consideration by~~
32 ~~the public body.~~ Only business connected with the emergency may be
33 considered at a meeting to which notice is given pursuant to this paragraph.

34 (c) Repealed by Session Laws 1991, c. 694, s. 6.

35 (d) If a public body has a Web site and has established a schedule of regular meetings,
36 the public body shall post the schedule of regular meetings to the Web site.

37 (e) If a public body has a Web site that one or more of its employees maintains, the
38 public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this
39 section prior to the scheduled time of that meeting.

40 (f) For purposes of this section, an "emergency meeting" is one called because of
41 generally unexpected circumstances that require immediate consideration by the public body."

42 **SECTION 2.** This act is effective for open meetings noticed on or after October 1,
43 2009.