



SENATE BILL 52: Open Meetings/Administering Organizations.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	March 1, 2023
Introduced by:	Sens. Sawyer, Johnson, McInnis	Prepared by:	Kristen L. Harris Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *Senate Bill 52 would require an administering organization to comply with North Carolina's open meetings laws.*

CURRENT LAW AND BACKGROUND:

Article 29E (High School Interscholastic Athletic Activities) in Chapter 115C (Elementary and Secondary Education) of the General Statutes

An administering organization is "a nonprofit organization that has entered into and is in compliance with a memorandum of understanding with the State Board of Education to administer and enforce the adopted rules and requirements of this Article for interscholastic athletic activities at the high school level." G.S. 115C-407.50

G.S. 115C-407.55 requires an administering organization to enter into and remain compliant with a memorandum of understanding (MOU) with the State Board of Education (SBE) and engage in open meetings as set out in the MOU.

Under 16 NCAC 06E.0204, an administering organization must broadcast the meetings of its membership and board of directors in a manner that is announced on its website and which may be viewed electronically by any member of the public.

G.S. 115C-407.60 allows the SBE to enter into a MOU for a term of four years with one or more nonprofit organizations.

S.L. 2021-184 required the SBE to negotiate an initial MOU by March 15, 2022, to be in effect for four years. The MOU may be renewed for another four years.

Article 33C (Meetings of Public Bodies) of Chapter 143 (State Departments, Institutions, and Commissions) of the General Statutes

G.S. 143-318.10 requires a meeting of a public body to be open to the public, and any person be entitled to attend.

"Public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. G.S. 143-318.10

"Public body" also means the governing board of a "public hospital" as defined in G.S. 159-39 and governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed

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pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation which the hospital facility has been sold or conveyed. G.S. 143-318.10

BILL ANALYSIS:

Sections 1 and 2 would define an administering organization as a public body for purposes of North Carolina's open meetings law.

EFFECTIVE DATE: This act is effective when it becomes law.