

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 692

Short Title: Terror Response Plans.

(Public)

Sponsors: Senator Thomas.

Referred to: Judiciary II.

April 2, 2003

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT CERTAIN INFORMATION CONCERNING PLANS
TO RESPOND TO TERRORIST ACTIVITY ARE NOT SUBJECT TO THE
PUBLIC RECORDS OR OPEN MEETINGS LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 132-1.7 reads as rewritten:

"§ **132-1.7. Sensitive public security information.**

(a) Public records, as defined in G.S. 132-1, shall not include information containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities.

(b) Public records as defined in G.S. 132-1 do not include plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building, structure, or information storage system.

(c) Information relating to the general adoption of public security plans and arrangements, and budgetary information concerning the authorization or expenditure of public funds to implement public security plans and arrangements, or for the construction, renovation, or repair of public buildings and infrastructure facilities shall be public records."

SECTION 2. G.S. 143-318.11(a) reads as rewritten:

"(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

- 1 (2) To prevent the premature disclosure of an honorary degree,
2 scholarship, prize, or similar award.
- 3 (3) To consult with an attorney employed or retained by the public body in
4 order to preserve the attorney-client privilege between the attorney and
5 the public body, which privilege is hereby acknowledged. General
6 policy matters may not be discussed in a closed session and nothing
7 herein shall be construed to permit a public body to close a meeting
8 that otherwise would be open merely because an attorney employed or
9 retained by the public body is a participant. The public body may
10 consider and give instructions to an attorney concerning the handling
11 or settlement of a claim, judicial action, mediation, arbitration, or
12 administrative procedure. If the public body has approved or
13 considered a settlement, other than a malpractice settlement by or on
14 behalf of a hospital, in closed session, the terms of that settlement shall
15 be reported to the public body and entered into its minutes as soon as
16 possible within a reasonable time after the settlement is concluded.
- 17 (4) To discuss matters relating to the location or expansion of industries or
18 other businesses in the area served by the public body, including
19 agreement on a tentative list of economic development incentives that
20 may be offered by the public body in negotiations. The action
21 approving the signing of an economic development contract or
22 commitment, or the action authorizing the payment of economic
23 development expenditures, shall be taken in an open session.
- 24 (5) To establish, or to instruct the public body's staff or negotiating agents
25 concerning the position to be taken by or on behalf of the public body
26 in negotiating (i) the price and other material terms of a contract or
27 proposed contract for the acquisition of real property by purchase,
28 option, exchange, or lease; or (ii) the amount of compensation and
29 other material terms of an employment contract or proposed
30 employment contract.
- 31 (6) To consider the qualifications, competence, performance, character,
32 fitness, conditions of appointment, or conditions of initial employment
33 of an individual public officer or employee or prospective public
34 officer or employee; or to hear or investigate a complaint, charge, or
35 grievance by or against an individual public officer or employee.
36 General personnel policy issues may not be considered in a closed
37 session. A public body may not consider the qualifications,
38 competence, performance, character, fitness, appointment, or removal
39 of a member of the public body or another body and may not consider
40 or fill a vacancy among its own membership except in an open
41 meeting. Final action making an appointment or discharge or removal
42 by a public body having final authority for the appointment or
43 discharge or removal shall be taken in an open meeting.

- 1 (7) To plan, conduct, or hear reports concerning investigations of alleged
2 criminal misconduct.
- 3 (8) To formulate plans by a local board of education relating to emergency
4 response to incidents of school violence.
- 5 (9) To discuss plans to protect public safety as it relates to terrorist activity
6 and briefings by staff members, legal counsel, or law enforcement or
7 emergency service officials concerning actions taken to respond to
8 such activity or a related threat to public safety."

9 **SECTION 3.** This act is effective when it becomes law.