

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 692
Judiciary II Committee Substitute Adopted 4/24/03

Short Title: Terror Response Plans.

(Public)

Sponsors:

Referred to:

April 2, 2003

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

5 The General Assembly of North Carolina enacts:

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

7 "§ 132-1.7. Sensitive public security information.

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

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

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

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

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

27 (1) To prevent the disclosure of information that is privileged or
28 confidential pursuant to the law of this State or of the United States, or

- 1 not considered a public record within the meaning of Chapter 132 of
2 the General Statutes.
- 3 (2) To prevent the premature disclosure of an honorary degree,
4 scholarship, prize, or similar award.
- 5 (3) To consult with an attorney employed or retained by the public body in
6 order to preserve the attorney-client privilege between the attorney and
7 the public body, which privilege is hereby acknowledged. General
8 policy matters may not be discussed in a closed session and nothing
9 herein shall be construed to permit a public body to close a meeting
10 that otherwise would be open merely because an attorney employed or
11 retained by the public body is a participant. The public body may
12 consider and give instructions to an attorney concerning the handling
13 or settlement of a claim, judicial action, mediation, arbitration, or
14 administrative procedure. If the public body has approved or
15 considered a settlement, other than a malpractice settlement by or on
16 behalf of a hospital, in closed session, the terms of that settlement shall
17 be reported to the public body and entered into its minutes as soon as
18 possible within a reasonable time after the settlement is concluded.
- 19 (4) To discuss matters relating to the location or expansion of industries or
20 other businesses in the area served by the public body, including
21 agreement on a tentative list of economic development incentives that
22 may be offered by the public body in negotiations. The action
23 approving the signing of an economic development contract or
24 commitment, or the action authorizing the payment of economic
25 development expenditures, shall be taken in an open session.
- 26 (5) To establish, or to instruct the public body's staff or negotiating agents
27 concerning the position to be taken by or on behalf of the public body
28 in negotiating (i) the price and other material terms of a contract or
29 proposed contract for the acquisition of real property by purchase,
30 option, exchange, or lease; or (ii) the amount of compensation and
31 other material terms of an employment contract or proposed
32 employment contract.
- 33 (6) To consider the qualifications, competence, performance, character,
34 fitness, conditions of appointment, or conditions of initial employment
35 of an individual public officer or employee or prospective public
36 officer or employee; or to hear or investigate a complaint, charge, or
37 grievance by or against an individual public officer or employee.
38 General personnel policy issues may not be considered in a closed
39 session. A public body may not consider the qualifications,
40 competence, performance, character, fitness, appointment, or removal
41 of a member of the public body or another body and may not consider
42 or fill a vacancy among its own membership except in an open
43 meeting. Final action making an appointment or discharge or removal

- 1 by a public body having final authority for the appointment or
2 discharge or removal shall be taken in an open meeting.
- 3 (7) To plan, conduct, or hear reports concerning investigations of alleged
4 criminal misconduct.
- 5 (8) To formulate plans by a local board of education relating to emergency
6 response to incidents of school violence.
- 7 (9) To discuss and take action regarding plans to protect public safety as it
8 relates to existing or potential terrorist activity and to receive briefings
9 by staff members, legal counsel, or law enforcement or emergency
10 service officials concerning actions taken or to be taken to respond to
11 such activity."
- 12 **SECTION 3.** This act is effective when it becomes law.