

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 900
HOUSE BILL 1240

AN ACT TO PROVIDE CONFIDENTIALITY IN LEGISLATIVE COMMUNICATIONS.

The General Assembly of North Carolina enacts:

Section 1. A new Article is added to Chapter 120 of the General Statutes to read:

"Article 17.

"Confidentiality of Legislative Communications.

"§ 120-125. Definitions.—As used in this Article:

(1) 'Document' means all records, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material regardless of physical form or characteristics.

(2) 'Legislative employee' means employees and officers of the General Assembly, consultants and counsel to members and committees of either house of the General Assembly who are paid by State funds, and employees of the Institute of Government; but does not mean legislators and members of the Council of State.

(3) 'Legislator' means a duly elected or appointed member of the North Carolina Senate or House of Representatives.

"§ 120-126. Drafting and information requests to legislative employees.—(a) A drafting request made to a legislative employee from a legislator is confidential. Neither the identity of the legislator making the request nor, except to the extent necessary to answer the request, the existence of the request may be revealed to any person who is not a legislative employee without the consent of the legislator.

(b) An information request made to a legislative employee from a legislator is confidential. Neither the identity of the legislator making the request nor, except to the extent necessary to answer the request, the existence of the request may be revealed to any person who is not a legislative employee without the consent of the legislator. Notwithstanding the preceding sentences of this subsection, the periodic publication by the Fiscal Research Division of the Legislative Services Office of a list of information requests is not prohibited, if the identity of the legislator making the request is not revealed.

(c) Any supporting documents submitted or caused to be submitted to a legislative employee by a legislator in connection with a drafting or information request are confidential. Except to the extent necessary to answer the request, neither the document nor copies of it, nor the identity of the person, firm, or association producing

it, may be provided to any person who is not a legislative employee without the consent of the legislator.

(d) Drafting or information requests or supporting documents are not 'public records' as defined by G.S. 132-1.

"§ 120-127. Documents produced by legislative employees.—(a) Documents prepared by legislative employees upon the request of legislators are confidential. Except as provided in subsection (b) of this section, the existence of the document may not be revealed nor may a copy of the document be provided to any person who is not a legislative employee without the consent of the legislator.

(b) A document prepared by a legislative employee upon the request of a legislator becomes available to the public when the document is a:

- (1) bill or resolution and it has been introduced;
- (2) proposed amendment or committee substitute for a bill or resolution and it has been offered at a committee meeting or on the floor of a house;
- (3) proposed conference committee report and it has been offered at a joint meeting of the conference committees; or
- (4) bill, resolution, memorandum, written analysis, letter, or other document resulting from a drafting or information request and it has been distributed at a study commission, or study or standing committee or subcommittee meeting not held in executive session or on the floor of a house.

A document prepared by a legislative employee upon the request of any legislator, that pursuant to this Article does not become available to the public, is not a 'public record,' as defined by G.S. 132-1.

(c) This section does not prohibit the dissemination of information or language contained in any document which has been prepared by a legislative employee in response to a substantially similar request from another legislator, provided that the identity of the requesting legislator and the fact that he had made such a request not be divulged.

"§ 120-128. Testimony by legislative employees.—No present or former legislative employee may be required to disclose any information that the individual, while employed or retained by the State, may have acquired:

1. in a standing, select, or conference committee or subcommittee of either house of the General Assembly;
2. on the floor of either house of the General Assembly, or in any office of a legislator;
3. as a result of communications that are confidential under G.S. 120-126 and G.S. 120-127.

Notwithstanding the provisions of the preceding sentence, the presiding judge of a court of competent jurisdiction may compel that disclosure, if in his opinion, the same is necessary to a proper administration of justice.

"§ 120-129. Redistricting communications.—Notwithstanding any other provision of law, all drafting and information requests to legislative employees and documents

prepared by legislative employees for legislators concerning redistricting the North Carolina General Assembly or the Congressional Districts are no longer confidential and become public records upon the ratification of the act establishing the relevant district plan. Present and former legislative employees may be required to disclose information otherwise protected by G.S. 120-128 concerning redistricting the North Carolina General Assembly or the Congressional Districts upon the ratification of the act establishing the relevant district plan.

"§ 120-130. Penalty.—Violation of any provision of this section shall be grounds for disciplinary action in the case of employees and for removal from office in the case of public officers. No criminal penalty shall attach for any violation of this Article."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of July, 1983.