GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

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HOUSE BILL 714

Short Title:	State Agencies May Withhold Certain Info.	(Public)
Sponsors:	Representatives Coleman; and Wainwright.	
Referred to:	State Personnel.	

March 17, 2005

A BILL TO BE ENTITLED

AN ACT ALLOWING STATE AGENCIES UNDER CERTAIN CIRCUMSTANCES TO WITHHOLD INFORMATION THAT WOULD OTHERWISE BE OPEN TO INSPECTION BY THE PUBLIC.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-23 reads as rewritten:

"**§ 126-23. Certain records to be kept by State agencies open to inspection.**

(a) Each department, agency, institution, ~~commission~~ commission, university, and bureau of the State shall maintain a record of each of its employees, showing the following information with respect to each such employee: name, age, date of original employment or appointment to the State service, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned.

(b) The head of a State department, agency, institution, commission, university, or bureau may withhold any information that he or she believes is in the best interests of the health, safety, or security of the employee or the department.

(c) ~~Subject~~ Except as provided by subsection (b) of this section and subject only to rules and regulations for the safekeeping of the records, adopted by the State Personnel Commission, every person having custody of such records shall permit them to be inspected and examined and copies thereof made by any person during regular business hours. Any person who is denied access to any such record for the purpose of inspecting, examining or copying the same shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief."

SECTION 2. This act is effective when it becomes law.