

April 6, 2009

**H 1134. OPEN GOVERNMENT ACT.** Filed 4/6/09. *TO CREATE THE OPEN GOVERNMENT UNIT OF THE DEPARTMENT OF JUSTICE, TO ESTABLISH A FEE FOR SERVICES OF MODERATION AND MEDIATION BY THE OPEN GOVERNMENT UNIT, AND TO PROVIDE THAT THE SUCCESSFUL PLAINTIFF IN A PUBLIC RECORDS DISPUTE IS ENTITLED TO REASONABLE ATTORNEYS' FEES.*

Enacts new GS 114-51 establishing the Open Government Unit (Unit) within the DOJ. Directs the Unit to (1) develop and implement education and awareness programs on rights and responsibilities under the public records and open meetings laws for the public and government agencies, (2) serve as a moderator/mediator in resolving public record and open meeting disputes between parties, (3) assemble and maintain an electronic collection of relevant legal materials related to public records and open meetings law, and (4) adopt and develop policies for implementation as necessary. Provides that a reasonable fee may be charged for moderation or mediation services in resolving public records and open meetings issues by the Unit. Provides that this section does not apply to the Judicial Department.

Requires the Unit, during the 2009-10 fiscal year, to receive and attempt to informally resolve disputes between the public and state and local government agencies along with educating and raising public and agency awareness about rights and responsibilities under the public records and open meetings laws.

Amends GS 132-9(c) to delete the exception that allowed the denial of attorneys' fees to a prevailing party upon a finding that an agency acted with substantial justification in denying access to the public records. Provides that the court may not assess attorneys' fees against the governmental unit or body if the court finds that it acted in reasonable reliance on (1) a judgment or a court order applicable to the governmental unit or body, (2) the published opinion of an appellate court, or (3) a written opinion, decision, or letter of the Attorney General. Makes technical changes.

Applies to actions brought on or after the effective date of January 1, 2010.

**Intro. by Ross, Wainwright, Wilkins, Dickson.** GS 114, 132

May 4, 2009

**H 1134. OPEN GOVERNMENT ACT.** Filed 4/6/09. House committee substitute makes the following changes to 1st edition. Makes technical changes only.

July 8, 2009

**H 1134. OPEN GOVERNMENT ACT.** Filed 4/6/09. House committee substitute makes the following changes to 2nd edition. Requires the Department of Justice Open Government Unit to receive and attempt to informally resolve disputes between the public and more than 1,500 (was, 430) state and local government agencies, along with educating and raising awareness among the public and governmental agency representatives about the rights and responsibilities under the public records and open meetings laws.

July 9, 2009

**H 1134. OPEN GOVERNMENT ACT.** Filed 4/6/09. House amendment makes the following changes to 3rd edition. Amends GS Chapter 114 by renumbering the new Article, *Open Government Unit*, as Article 9 (was, Article 8), and codifies the new statute as GS 114-61 (was, GS 114-51).