

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 374

Short Title: Make Legislators' Docs Public Records. (Public)

Sponsors: Representatives Everitt and Farkas (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 25, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE LEGISLATORS' DOCUMENTS PUBLIC RECORDS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 120-130 reads as rewritten:

5 "**§ 120-130. Drafting and information requests to legislative employees.**

6 (a) A drafting request made to a legislative employee from a legislator is confidential.
7 ~~Neither The legislative employee may not reveal~~ the identity of the legislator making the request
8 nor, except to the extent necessary to answer the request, reveal the existence of the request ~~may~~
9 ~~be revealed~~ to any person who is not a legislative employee without the consent of the legislator.

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

18 (c) Any supporting documents submitted or caused to be submitted to a legislative
19 employee by a legislator in connection with a drafting or information request are confidential.
20 Except to the extent necessary to answer the request, neither the document nor copies of it, nor
21 the identity of the person, firm, or association producing it, may be provided to any person who
22 is not a legislative employee without the consent of the legislator.

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

25 **SECTION 2.** G.S. 120-131 reads as rewritten:

26 "**§ 120-131. Documents produced by legislative employees.**

27 (a) Documents prepared by legislative employees upon the request of legislators are
28 confidential. Except as provided in subsection (b) of this section, the legislative employee may
29 not reveal the existence of the document ~~may not be revealed~~ nor may the legislative employee
30 provide a copy of the document ~~be provided~~ to any person who is not a legislative employee
31 without the consent of the legislator.

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

34 (1) Bill or resolution and it has been introduced;



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

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

12"

13 **SECTION 3.** G.S. 120-132 reads as rewritten:

14 "**§ 120-132. Testimony by legislative employees.**

15 (a) Except as provided in subsections (b) and (c) of this section, no present or former
16 legislative employee may disclose any documents or information that the individual, while
17 employed or retained by the State, may have acquired:

- 18 (1) In a standing, select, or conference committee or subcommittee of either house
19 of the General Assembly or a legislative ~~commission;~~commission.
- 20 (2) On the floor of either house of the General Assembly, in any office of a
21 legislator, or at any other location of the State legislative buildings and
22 grounds as defined in ~~G.S. 120-32.1(d);~~G.S. 120-32.1(d).
- 23 (3) As a result of communications that are confidential under G.S. 120-130 and
24 G.S. 120-131.

25 (b) A present or former legislative employee may disclose information or documents
26 acquired under subsection (a) of this section that would be reflected in the official public record
27 or ~~was that were~~ otherwise publicly disseminated.

28 (c) Subject to G.S. 120-9, G.S. 120-133, and the common law of legislative privilege and
29 legislative immunity, the presiding judge may compel disclosure of information or documents
30 acquired by the legislative employee under subsection (a) of this section if in the judge's opinion,
31 the disclosure is necessary to a proper administration of justice."

32 **SECTION 4.** This act is effective when it becomes law.